

**SENATE JOURNAL
OF THE
FIRST EXTRAORDINARY SESSION
OF THE
ONE HUNDRED SIXTH GENERAL ASSEMBLY
OF THE
STATE OF TENNESSEE
TUESDAY, JANUARY 12, 2010
FIRST EXTRAORDINARY DAY**

The Governor having issued his proclamation convening the One Hundred Sixth General Assembly in First Extraordinary Session, the Senate met at 4:00 p.m., and was called to order by Mr. Speaker Ramsey, in accordance with Article III, Section 9 of the Constitution of the State of Tennessee.

PRAYER

The proceedings were opened with prayer by Senator Tracy.

PLEDGE OF ALLEGIANCE

Senator Henry led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 32

Senators present were: Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

COMMUNICATION

January 12, 2010

Lt. Governor Ron Ramsey
Speaker of the Senate
1 Legislative Plaza
Nashville, TN 37243

Dear Lt. Governor Ramsey,

It is with great disappointment that I will not be in attendance today at the convention of the 106th General Assembly Second Regular Session and First Extraordinary Session. I am currently

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dealing with problematic flu-like symptoms and I do not want to expose any harm to my colleagues or the general public. It is my desire that all goes well, as I am sure it will.

Sincerely,

/s/ Senator Ophelia Ford
State Senator, District 29

APPROVED: Lieutenant Governor
Ron Ramsey

MOTION

Senator Norris moved to dispense with the reading of the Governor's Proclamation, which motion prevailed.

The Proclamation by the Governor issued January 7, 2010, convening the General Assembly in Extraordinary Session is as follows:

**STATE OF TENNESSEE
PROCLAMATION
BY THE GOVERNOR**

WHEREAS, Article XI, Section 12 of the Tennessee Constitution states, "The State of Tennessee recognizes the inherent value of education and encourages its support"; and "[t]he General Assembly shall provide for the maintenance, support and eligibility standards of a system of free public schools"; and "[t]he General Assembly may establish and support such post-secondary educational institutions, including public institutions of higher learning, as it determines"; and

WHEREAS, over the years, the General Assembly and the Governor have committed to passing and implementing laws to promote education improvement at the pre-kindergarten through twelfth-grade levels; to promote education access and improvement in post-secondary ("higher education") institutions; and to support increased educational attainment, including increased graduation rates at the high-school and college levels; and

WHEREAS, the Governor and the General Assembly have endeavored to maintain equitable and adequate levels of public funding for education, even during times of economic and budgetary distress; and

WHEREAS, consistent commitments by the Governor and the General Assembly to encourage education improvement and maintain education funding can be seen most notably in the passage of legislative measures including 2007 Public Chapter No. 376 and 2007 Public Chapter No. 369, which resulted in higher academic standards and increased accountability in public schools; a modernization of the formula upon which the Basic Education Program ("BEP") is premised; and an overall increase in BEP funding; and

WHEREAS, in 2008, the State Board of Education, responding to directives by the Governor and the General Assembly, adopted more rigorous high school graduation requirements with the specific goal of giving Tennessee's children and young adults the skills they need to reach adequate levels of career and college readiness; and

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WHEREAS, the State of Tennessee's leadership in national education reform initiatives, including the American Diploma Project; its launch of nationally recognized education efforts, including Tennessee's voluntary pre-kindergarten program; its pursuit of innovative policies through programs such as Teach Tennessee; and its nationally known commitment to gathering educational data for the purposes of promoting education improvement all have demonstrated the Volunteer State's commitment to national education reform; and

WHEREAS, taken together, the aforementioned developments have positioned Tennessee at a unique moment in history to accelerate education improvement and compete for unprecedented levels of public education funding from the federal government; and

WHEREAS, the American Recovery and Reinvestment Act of 2009, signed into law by President Obama on February 17, 2009, provides \$4.35 billion for the Race to the Top Fund, a competitive grant program designed to encourage and reward states that are creating the conditions for education innovation and reform; achieving significant improvement in student outcomes, including making substantial gains in student achievement, closing achievement gaps, improving high school graduation rates and ensuring student preparation for success in college and careers; and implementing ambitious plans in four core education reform areas; and

WHEREAS, the Race to the Top Fund competition will reward states that have demonstrated success in raising student achievement and have the best plans to accelerate their reforms in the future, and those states that are rewarded will serve as models to promote the best reform ideas across the country; and

WHEREAS, with respect to the federal government's Race to the Top Fund competition, the State of Tennessee has the best opportunity for achieving success if it submits a competitive proposal during the first round of applications, which are due to the U.S. Department of Education in Washington, D.C., no later than 4:30 o'clock p.m., Eastern Standard Time, on Tuesday, January 19, 2010; and

WHEREAS, improvement in higher education outcomes increasingly is viewed as critical to the overall improvement of the quality of life and standard of living of citizens in Tennessee and the United States, and earlier this year, the Governor and the General Assembly acknowledged unique opportunities for improvement in Tennessee's higher education system, including institutions governed by the Tennessee Board of Regents and the University of Tennessee Board of Trustees; and

WHEREAS, the Governor has regularly communicated with members of the public and leaders of the General Assembly during 2009 regarding the need for higher education improvement, and through these communications consensus has formed around three core higher education reform areas; and

WHEREAS, the three core higher education reform areas include the following: adopting policies to improve degree completion at two-year and four-year colleges and universities, including raising current degree rates and encouraging more Tennesseans to pursue post-secondary degrees; ensuring that public funding for higher education is based on performance and outcomes; and elevating the research mission of the state's leading research institution, the University of Tennessee, Knoxville; and

WHEREAS, the Governor and the General Assembly also recognize especially unique opportunities to improve the reach and appeal of Tennessee's public community colleges and technology centers.

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NOW, THEREFORE, I, Phil Bredesen, Governor of the State of Tennessee, by virtue of the power and authority vested in me by Article III, Section 9 of the Tennessee Constitution, do hereby call the One Hundred Sixth General Assembly of the State of Tennessee to meet and convene in extraordinary session at the Capitol in Nashville at four o'clock p.m., Central Standard Time, on Tuesday, January 12, 2010, for the following purposes:

- (1) Considering and acting upon legislation either independent or amendatory revising, amending or adding to Tennessee's laws relative to the following topics concerning kindergarten through grade twelve education and post-secondary education in Tennessee:
 - (a) Annual estimates of teacher and school effects on student progress;
 - (b) Performance goals and assessments for all public schools and local education agencies;
 - (c) Interventions and actions for all public schools and local education agencies placed in improvement status;
 - (d) The creation and operation of an achievement school district;
 - (e) The creation of a teacher evaluation advisory committee to make recommendations to the State Board of Education for annual evaluations of all certificated persons employed by local education agencies;
 - (f) Class size standards for career and technical courses;
 - (g) Teacher suspension and dismissal hearings;
 - (h) Salary schedules for teachers;
 - (i) Tenure for teachers, supervisors, principals and all other certificated personnel employed by any local board or education for service in public elementary and secondary schools in this state;
 - (j) Establishment of additional graduate research programs and activities;
 - (k) Enhancing transfer and articulation between two-year and four-year colleges and universities governed by the University of Tennessee Board of Trustees and the Board of Regents;
 - (l) Remedial and Developmental instruction at public universities in the University of Tennessee System and the State University and Community College System;
 - (m) Establishment of dual-admission and dual-enrollment policies and procedures for institutions in and between the State University and Community College System and the University of Tennessee System;
 - (n) Revising standards for higher education master planning and directing the Tennessee Higher Education Commission to revise the policies and formulae for the fair and equitable distribution and use of public funds among the state's institutions of higher education;

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- (o) The management and operation of the state community college system;
 - (p) Consideration of statutory changes necessary to enhance Tennessee's application to the United States Department of Education for the Race to the Top Fund; and
 - (q) Consideration of statutory changes to implement strategies to enhance college completion.
- (2) Considering and acting upon legislation relative to workers' compensation requirements for sole proprietors and partners that result in the temporary suspension of the provisions of Acts 2008, Public Chapter 1041, and the effective revival of the provisions of Tenn. Code Ann. § 50-6-113(f) as such provisions existed on December 30, 2009;
 - (3) Considering and acting upon legislation to make appropriations sufficient to pay the expenses of the extraordinary session of the General Assembly, including the expenses of carrying out any actions taken pursuant to this call;
 - (4) Considering and acting upon legislation to make appropriations sufficient to provide the first year's funding for any act which receives final passage during the extraordinary session;
 - (5) Considering and acting upon legislation, if such should become necessary, in accordance with Article II, Section 24 of the Tennessee Constitution, providing for the dollar amount and rate of growth any appropriation from state tax revenue may exceed the estimated rate of growth of the State's economy;
 - (6) Considering and acting upon a resolution to invite the Governor to address the Senate and House of Representatives, meeting in joint convention, on the reasons why an extraordinary session of the General Assembly has been called; and
 - (7) Considering and acting upon a resolution, as provided for in Article II, Section 8 of the Tennessee Constitution, at the General Assembly's discretion, setting a date and time for the convening of the second regular session of the One Hundred Sixth General Assembly.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO
SET MY HAND AND CAUSED THE GREAT SEAL
OF THE STATE OF TENNESSEE TO BE
AFFIXED AT THE CAPITOL IN NASHVILLE ON
THIS THE 7TH DAY OF JANUARY, 2010.

/s/ PHIL BREDESEN, GOVERNOR

/s/ TRE HARGETT, SECRETARY OF STATE

NOTICE

REPORT OF COMMITTEE ON RULES

The report was received and filed with the Clerk.

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MOTION

Senator Norris moved that the Temporary Rules of the Senate of the One Hundred Sixth General Assembly, as amended, be adopted as the Permanent Rules of the Senate for the First Extraordinary Session of the One Hundred Sixth General Assembly.

The proposed changes are as follows:

**REPORT OF THE COMMITTEE ON RULES
ONE HUNDRED AND SIXTH GENERAL ASSEMBLY
FIRST EXTRAORDINARY SESSION**

Mr. Speaker, the Committee on Rules having met, submits the attached report to the Senate as the Rules of Order for the Senate for the First Extraordinary Session of the One Hundred and Sixth General Assembly.

/s/ _____
Senator Mark Norris, Chairman
Committee on Rules
January 12, 2010

**RULES OF ORDER
OF THE
SENATE
ONE HUNDRED SIXTH GENERAL ASSEMBLY
FIRST EXTRAORDINARY SESSION**

STATE OF TENNESSEE

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RULES OF ORDER
of the
SENATE
for the
One Hundred Sixth General Assembly
First Extraordinary Session
STATE OF TENNESSEE

1. **CONVENING THE SENATE.** The Speaker of the Senate shall be elected by a majority of Senators to which the body is entitled. The Speaker's term shall be for two years and the Speaker shall hold office until a successor is elected and qualified.

The Speaker shall take the chair every day at the hour to which the Senate has adjourned; he shall immediately call the Senate to order and, after prayers if a quorum is present, proceed to business. In the absence of a quorum, the Speaker may adjourn the Senate to a later time or to the next session day. At all other times an adjournment shall be pronounced by the Speaker on motion.

2. **SPEAKER'S DUTIES.** The Speaker shall preserve order and decorum; he may speak to points of order in preference to other members. He shall decide questions of order, subject to appeal to the Senate by any member.

3. **SPEAKER PRO TEMPORE.** The Speaker of the Senate shall appoint a Speaker pro tempore who shall perform such duties as assigned by the Speaker. The Speaker pro tempore shall serve at the pleasure of the Speaker. The Speaker pro tempore shall preside during the absence of the Speaker, except that the Speaker shall have the right to name any member to perform the duties of the Chair for a period not to extend beyond an adjournment. In the absence of the Speaker and the Speaker pro tempore, it shall be the duty of the Clerk to call the Senate to order and call the roll for the election of a temporary speaker. In the event of an interim vacancy in the office of Speaker,

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through death or resignation, or in the event of disability, the Speaker pro tempore shall conduct the necessary business of the Senate only until such time as an election can be held in the Senate to fill the vacancy.

4. **REQUIRED ATTENDANCE.** No member shall absent himself from the service of the Senate without permission of the Speaker. In case a less number than a quorum of the Senate shall convene, they are hereby authorized to send the Sergeant-at-Arms, or any other person or persons, for any or all absent members, as the majority of such members present shall agree, at the expense of such absent members, respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient; and the Sergeant-at-Arms is authorized and empowered to arrest absent members and to use all the force and means necessary to effect said arrest. For this purpose he may summon all needed deputies and do all things necessary to secure the presence in the Senate chamber of the absent members.

5. **APPOINTMENT OF EMPLOYEES.** The Speaker shall appoint such employees as clerks, sergeants-at-arms, pages, and all other Senate employees as are necessary for the proper transaction of the business of the Senate. The appointment of personal secretaries shall be with the approval of the Senator in whose office they will work. Every employee shall work under the direction of the Speaker, and he shall prescribe the respective duties at the time of appointment.

6. **NON-MEMBERS IN CHAMBER.** The Sergeant-at-Arms shall admit no persons into the Senate chamber during the period from 30 minutes prior to the Senate convening until 30 minutes after session adjournment except members of the General Assembly, the Chaplain of the Day, the Doctor of the Day, staff members designated by a member of the General Assembly, and any other persons designated by the Speaker. The representatives of the various news media shall have access to their designated areas; all visitors and spectators shall have access to the gallery so long as they preserve order.

7. **CLEARING THE CHAMBER.** In case of any disturbance or disorderly conduct in the chamber or gallery, the Speaker ~~or the Chairman of the Committee of the Whole~~ shall have the power to order the same to be cleared.

8. **FOOD AND SMOKING IN THE CHAMBER.** Except for the consumption of light refreshments, food shall be prohibited in the Chamber during Senate session. Smoking is prohibited in the Senate Chamber during Senate session.

9. **WHO MAY ADDRESS THE SPEAKER.** No one may address the Speaker except a member of the Senate.

10. **GAINING THE FLOOR.** Every member shall address the Speaker from his appropriate desk. When recognized by the Speaker, he may request permission to speak from the Well. In all cases, the member who shall first rise and address the Speaker shall be entitled to speak first, but when two or more members shall rise and address the Speaker at the same time, the Speaker shall name the member who shall speak first.

11. **SPEAKING.** When any member is about to speak in debate or deliver any matter whatsoever to the Senate, he shall rise from his appropriate seat and respectfully address himself to "Mr. Speaker," and shall, after he is recognized by the Speaker, proceed in his remarks, confining himself strictly to the question under debate and avoiding all personalities. No member shall address another member on the floor in the second person or refer to any other member by name, except by using a courtesy title followed by the member's last name.

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12. SPEAKING LIMITATIONS. No member shall speak more than twice on the same subject, without leave of the Senate; and Senators who have once spoken shall not again be entitled to the floor (except for the purpose of explanation), to the exclusion of another who has not spoken; and no member shall speak longer than twenty (20) minutes in the first speech and ten (10) minutes in the second speech on any question, unless by consent of the Senate.

Statements made under the twelfth (12th) order of business may in the discretion of the Speaker be limited to fifteen (15) minutes duration. Such statements may be upon any subject of concern to the speaking Senator and the people of the State, but must be offered under the twelfth (12th) order of business.

13. PERSONAL INTEREST. When a member of this body arises to address himself to a bill, section thereof, or amendment in which he has a personal interest, he shall state to the Speaker and members of the body "that it may be considered that I have a degree of personal interest in the subject matter of this bill, but I declare that my argument and my ultimate vote answer only to my conscience and to my obligation to my constituents and the citizens of the State of Tennessee."

14. PERSONAL PRIVILEGE. Personal Privilege applies only to matters relating to the person, such as his conduct, his record, his personal relationship with others, or abuse by other members of these personal situations which the individual shall be entitled to defend. Senators shall be entitled to immediate recognition on personal privilege except as otherwise provided herein, but no Senator shall address himself to the matter then before the Senate while speaking on a point of personal privilege. Should a Senator invoke this rule of personal privilege, he shall be totally prohibited of the right to speak on any bill or any merits relating thereto, and should he attempt to do so, he shall be immediately ruled out of order and seated by the Chair. No Senator shall be recognized on personal privilege after a non-debatable motion is made and before said motion is put to vote.

15. POINT OF ORDER. If any member, in speaking, or otherwise, transgresses the Rules of the Senate, the Speaker shall, or any member may, call him to order, in which case the member so called to order shall immediately sit down, when the point of order shall be at once decided by the Speaker or Speaker pro tempore, subject to an appeal to the Senate. After the decision is rendered, the member having the floor can proceed, subject to the decision made.

16. OBJECTIONS TO WORDS. If a member be called to order by a Senator for words spoken, the words excepted to shall be immediately repeated by the Senator excepting and reduced to writing by the Clerk.

17. SPEAKER'S RULINGS. The Clerk of the Senate shall enter on the Journal all rulings by the Speaker on Points of Order. The Clerk or any member may request that the Speaker submit such ruling in writing within three legislative days.

18. APPEALS ON RULINGS. Any member of the Senate may appeal to the Senate from any ruling of the Speaker. A majority vote of the members present, and registering on the roll call system, shall decide the appeal.

19. ORDER OF BUSINESS. The daily journal shall be read only on a motion duly passed, and corrections, if any, made immediately.

The Speaker may provide for an invocation to begin the daily sessions of the Senate. The person delivering the invocation may offer prayer according to the beliefs and practices of his faith but shall be informed that the citizens of the State of Tennessee and its elected Senators are of a

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variety of faiths and beliefs that prayer in the Senate should respect that diversity, and if, within the constraints and conscience of the prayer leader, the prayer should be ecumenical.

After appropriate opening ceremonies, the Speaker shall call for the following:

- (1) Roll Call
- (2) Introduction of Bills
- (3) House Bills on First Consideration
- (4) House Bills on Second Consideration
- (5) Senate Bills on Second Consideration
- (6) Introduction of Resolutions
- (7) Resolutions Lying Over
- (8) Unfinished Business and Notices
- (9) Calendar
- (10) Messages
- (11) Report from Committees
- (12) Statements and Announcements

Members may briefly recognize guests or visitors in the gallery or in the chamber during Item 12 (Statements and Announcements). Guests and visitors may not be admitted to the chamber during session for introduction without the prior approval of the Speaker.

20. GENERAL AND LOCAL BILLS. All bills for the removal of disabilities of infants, bills seeking to regulate hunting or fishing in any county, and those permitting persons to practice any profession requiring examination before doing so, shall be deemed and treated as General Bills. No Local Bill shall be introduced or considered unless the caption shall state the name of the county or municipality to which it applies.

21. RESOLUTIONS. Resolutions calling joint conventions and creating study committees shall first be referred to the Committee on Delayed Bills. Resolutions referred to the Committee on Delayed Bills shall require the unanimous approval of the Committee. Congratulatory and memorializing resolutions shall be referred to the Committee on Calendar. All other resolutions shall be referred to the appropriate standing committee for consideration.

Any resolution proposing an amendment to the Constitution pursuant to Article XI, Section 3, shall be read verbatim on three several days and shall be passed if it receives a constitutional majority on the third vote. Any amendments to such resolution shall be considered in a like manner. No motion of substitution for a Senate Resolution shall be authorized.

22. PETITIONS AND MEMORIALS. Before any petition or memorial addressed to the Senate shall be received and read at the table, a brief statement of the contents of the petition or memorial shall be verbally made by the introducer.

23. PRECEDENCE OF BILLS. Bills coming from the House of Representatives shall have precedence of bills in the Senate on the same subject.

24. SUBJECT AND CAPTION. No bill shall embrace more than one subject, that subject to be embraced in the title. All bills to repeal, revive, or amend former laws, shall recite in their caption, or otherwise, the title of the law to be repealed, revived or amended.

25. FILING OF BILLS FOR INTRODUCTION.

(A) Pre-filing of Bills.

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~~After the regular November election, each member of the Senate may pre-file as many bills and resolutions as that member desires prior to the convening of the organizational session of the General Assembly in January. Requests for the drafting of pre-filed bills and resolutions must be received by the Office of Legislative Services by the second Tuesday of December of such year.~~

Any member of the Senate pre-filing a bill or resolution for introduction in the next session shall follow the procedure as follows:

(1) The bill or resolution shall be filed with the Chief Clerk of the Senate by the member in the number and form prescribed by the Rules of the Senate.

(2) The Chief Clerk shall number the bill or resolution and note thereon the date of the first day of the next session, on which the bill or resolution will be introduced and, in the case of bills, will pass first consideration.

(3) All general bills or resolutions of general interest shall be printed and distributed in the same manner as bills and resolutions introduced during a session.

(4) After written request of the sponsor of a pre-filed bill or resolution, the Speaker of the Senate may in his discretion refer the bill or resolution to the appropriate committee to be studied and considered by the committee, or a subcommittee thereof, during the interim between sessions.

(5) Legal Analyses of bills shall be prepared and distributed in the same manner as during sessions.

(6) Fiscal notes shall be prepared for pre-filed bills in the same manner as during sessions.

(B) Filing of General Bills for Introduction During Session.

~~After Thursday of the second week of each annual session, each member of the Senate shall be limited to nine (9) general bill introductions until final adjournment of the General Assembly for that session or year. On such Thursday, bills may be introduced on the same day as filed.~~

~~This rule shall not apply to administration bills of the Governor, but each such administration bill shall be designated as such at the bottom of the front page of the bill and all administration bills shall be filed by the tenth legislative day.~~

~~This rule shall not apply to bills introduced by a committee chairman at the direction of a standing, select or joint committee.~~

All bills for introduction shall be filed with the Chief Clerk no later than four (4) o'clock p.m. on the day preceding the date of introduction; **except for bills filed on the first day of the extraordinary session, which shall be filed prior to the close of business** provided, however, that commencing with a period of two (2) legislative days before the cut-off date for introducing bills and thereafter until the end of the session for a given year, bills may be introduced on the same day as filed.

Requests for the drafting of bills shall be submitted to the Office of Legal Services for the General Assembly, War Memorial Building, Nashville, Tennessee, 37243-0059.

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26. **LOCAL BILLS.** No general bill with local application, or private act, shall be introduced unless personally signed by a Senator representing a local unit of the government. No general bill with local application or private act shall be passed on third consideration unless three-fourths (3/4) of the Senators who represent the local unit of government to which the bill is applicable are present or have agreed in writing and have filed the agreement with the Clerk. In the case of Davidson, Knox and Hamilton counties, the signature or presence of all Senators representing the local unit of government shall be required for passage.

The Clerk shall prepare a calendar for third and final consideration of private bills and give notice of such bills by posting the written calendar in designated places and delivering the same to each Senator's legislative office before 2:00 p.m. at least one calendar day prior to such consideration.

~~27. **CUT-OFF DATE.** In each annual session, no general bill, except a general bill with local application, shall be introduced after the 10th legislative day of a regular session, nor shall any resolution, other than congratulatory or commemorating be introduced after the 40th legislative day, except upon unanimous consent of the Committee on Delayed Bills, or upon motion approved by two-thirds (2/3) vote of the members present and registering on the roll call system.~~

~~Resolutions proposing amendments to the Constitution approved by the House shall be introduced when received, notwithstanding such cut-off date.~~

28. **FORM OF BILLS.** Every bill or resolution introduced shall meet the requirements for introduction established by the Clerk. Each bill or resolution shall be enclosed in a manuscript cover and shall bear the signature of the sponsor or sponsors on said cover and said cover shall also contain a succinct statement of the purpose or nature of said bill or resolution. When a member introduces a bill or resolution, the Clerk shall immediately give the same a Senate Number. No bill shall be introduced in blank.

Each bill shall contain an effective date clause which reads "This act shall take effect on (Date), the public welfare requiring it". The Chief Clerk of the Senate shall not transmit any bill from the Senate unless such effective date clause requirements are met.

Any bill certified by its sponsor to be a caption bill or which is deemed so by the Speaker, shall receive first and second consideration and then shall be held on the Clerk's desk pending the filing of an amendment in proper form. ~~On or before the seventh calendar day next following the tenth (10th) legislative day, the Speaker shall refer the bill to the proper committee upon filing of a substantive amendment, or certification by the sponsor that the bill is not a caption bill. After the seventh calendar day next following the tenth (10th) legislative day, caption bills remaining on the Clerk's desk shall be withdrawn from the Senate, unless objections are filed with the Clerk, and on motion, approved by a majority of the membership of the Senate.~~

29. **FILLING BLANKS.** In filling out blanks, the largest sum and longest time shall first be put.

30. **FISCAL NOTES.** A fiscal note, prepared by the Fiscal Review Committee, shall be furnished in regard to every resolution or bill, indicating the fiscal effect of such resolution or bill upon the State. The Director of the Fiscal Review Committee shall duly certify that the information contained therein is true and correct to the best of his knowledge.

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The Director of Fiscal Review Committee shall monitor the bills and resolutions received from the House and held on the Clerk's desk and advise the Senate of their fiscal effect when such bills and resolutions have been amended to substantially change the fiscal note.

31. FISCAL MEASURES. Any bill or resolution having a fiscal effect of \$100,000 or more upon receipts or expenditures of the state or local governments shall be referred to the Committee on Finance, Ways and Means after consideration by the appropriate standing committee.

No bill or resolution having such a fiscal effect shall be put upon final passage until the same has been considered by the Committee on Finance, Ways and Means.

A bill or resolution which is amended by the Senate or House of Representatives, so as to increase the fiscal effect of the bill or resolution by \$100,000 or more, shall be referred to the Committee on Finance, Ways and Means after all filed amendments have been considered by the Senate. Provided, however, this paragraph shall not apply to the General Appropriations Bill.

A bill or resolution which is recommended by a standing committee to be amended in such manner so as to remove its fiscal effect below \$100,000, may be referred directly to the Committee on Calendar. In the event the amendment is not approved by the Senate, paragraph 2 shall apply.

32. FIRST CONSIDERATION. The first consideration of a bill shall be for information. If no opposition be made, the bill shall pass its first consideration and be placed on the calendar for its second consideration.

33. SECOND CONSIDERATION. Upon second consideration all bills shall be referred by the Speaker to the proper committee; unless there is objection, upon second consideration, all local bills will be held on the Clerk's desk for further action. The Senate may upon motion at any time refer or re-refer a bill to such committee as it may direct.

34. PRESENCE OF SPONSOR. No bill may be called up for passage or rejection on third and final consideration unless the prime sponsor of said bill shall be present in the Senate unless such sponsor shall have previously indicated to the Speaker his permission for the same to be brought up in his absence. When prime sponsor is present, no bill shall be moved to another calendar day more than twice.

Upon the death or disability requiring his absence from the Senate of any sponsor of a bill, the Speaker may name one of the co-signers of said bill as sponsor, and if only one person shall have signed said bill as sponsor, and said sponsor becomes unable to be present in the Senate, the Speaker may name any person favorable to said bill as sponsor.

35. RECOMMITTAL. After commitment and report thereof to the Senate, at any time before its passage, a bill may be recommitted.

36. EFFECT OF SUBSTITUTION. When a bill has been substituted for another bill the bill displaced by the substitution shall be considered to be tabled.

37. SETTING THE CALENDAR. Any bills, having been considered and reported out of the Committee to which referred, shall be referred to the Committee on Calendar, and no bill of a general nature nor report shall be considered for third and final passage until a written calendar, from the Committee on Calendar, giving notice of such bill or report, has been posted in designated

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places and delivered to each Senator's legislative office before ~~two (2) o'clock p.m. at least two (2) calendar days prior to such consideration~~ **two (2) o'clock p.m. the day prior to such consideration.**

The Committee on Calendar shall schedule on the calendar for final consideration such number of general bills as it deems appropriate.

Should the Senate not complete any day's calendar, the bills remaining unconsidered shall go to the top of the calendar on the next day that general bills are considered.

38. **CONSENT CALENDAR.** Any bills which are not controversial in nature shall be placed on a Consent Calendar by the Committee on Calendar. The Consent Calendar shall be printed and posted in designated places and delivered to each Senator's legislative office before ~~two (2) o'clock p.m. at least two (2) calendar days prior to such consideration~~ **two (2) o'clock p.m. the day prior to such consideration.**

Any member may object to a bill placed on the Consent Calendar and if objection is raised, the bill or bills so objected to shall be placed at the heel of the next succeeding calendar for final consideration; except the last calendar day of the annual session in which event the bill shall be placed last on the current day's calendar for final consideration.

39. **SENATE AMENDMENTS.** The following shall apply to amendments offered by members of the Senate:

1. ~~Notice of the proposed amendment or amendment to an amendment has been given by two (2) o'clock p.m. of the day prior to its consideration by the Senate; with the exception of amendments to Monday's calendar may be accepted until 12:00 noon on the day of consideration.~~ **A proposed amendment or amendments shall be filed prior to commencement of the day's session day.** A copy of the proposed amendment shall be placed on the desk of each member of the Senate; or

2. The amendment has been considered by the standing committee which considered the bill itself, and the Committee has made a recommendation concerning the adoption of the amendment in the same manner that the Committee made its recommendation concerning the passage of the bill, a copy of said amendment shall be placed on each member's desk in the Senate prior to a vote on same; or

3. By a two-thirds (2/3) vote, of the members present and registering on the roll call system, for adoption of the amendment if there has not been compliance with either 1 or 2 above.

The above rule shall not apply to amendments correcting grammatical or typographical errors, those simply changing dates or the effective date clause, or amendments offered on the last day of any general session.

40. **CONSIDERATION OF AMENDMENTS.** No amendment beyond the second degree shall be entertained. The vote on amendments shall be had in the reverse order in which the same were made.

41. **RIDERS.** No amendment by way of a rider shall be received.

42. **TABLED AMENDMENTS.** When a motion to lay on the table an amendment, in the first or second degree, to a pending bill, resolution or other matter, prevails by a majority of the members voting, it shall be a final defeat of the tabled amendment.

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43. **RETURNING WITHDRAWN BILLS.** When a bill is withdrawn for amendment, the same shall be returned within three (3) days thereafter.

44. **SENATE BILL ON HOUSE AMENDMENT.** When a Senate bill or resolution is returned from the House with an amendment, notice of the proposed amendment shall be read by the Clerk at least 24 hours before its consideration. A copy of the proposed amendment shall be placed on the desk of each member of the Senate, or upon motion adopted, referred to the standing committee which considered the bill originally. The committee shall make a recommendation concerning the adoption of the amendment in the same manner that the committee made its recommendation concerning the passage of the bill. The standing committee considering the amendment shall make a written report as to its recommendation and send same back directly to the Clerk's desk of the Senate and not to the Committee on Calendar for scheduling. This rule shall be waived on the last day of any annual session. The above rule shall not apply to amendments correcting grammatical or typographical errors or those simply changing dates.

When a Senate bill is returned from the House with an amendment, or a substitute for Senate bill, the ayes and noes shall be called on the passage of said amendment or substitute bill and entered on the Journal of the Senate. No further amendments to such bill or substitute bill shall be entertained. A constitutional majority shall be required for passage. Failure of a motion to concur shall be deemed nonconcurrence.

45. **INTRODUCTION OF MESSAGES.** Messages may be introduced only at the proper order of business except when rules have been suspended for such purpose.

46. **READING PAPERS.** When the reading of a paper is called for and the same is objected to by any member, it shall be decided by a vote of the majority of the members voting without debate.

47. **PRECEDENCE OF MOTIONS.** When any question or motion is under debate in the Senate, the following motions only shall be in order and may be entertained by the Speaker:

- (1) To adjourn or to recess
- (2) To lay on the table
- (3) For the previous question
- (4) To postpone to a day certain
- (5) To commit
- (6) To amend
- (7) To take any action effecting rejection

Each of said motions shall take precedence in the order set out herein.

48. **NON-DEBATABLE MOTIONS.** All motions shall be subject to debate except the following motions:

- (1) To adjourn or to recess
- (2) Lay on the table
- (3) For the previous question

Provided, however, the proponent of any measure sought to be tabled shall have the right to be heard after the motion to table is made and before said motion to table is put to vote.

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49. **DEBATING MOTIONS.** No motion shall be debated until the same is seconded and stated by the Speaker.

50. **TABLED MOTIONS—HOW RESCINDED.** When any bill, resolution or motion is laid on the table by a vote of the Senate, it shall require a two-thirds (2/3) vote of the members present and voting on the roll call system to take it from the table.

51. **PUTTING THE QUESTION.** Question shall be put directly in this form: "Senators in favor of (then state the proposition) say 'Aye'". After the affirmative will is expressed, "Senators who are opposed say 'No'". If the Speaker doubts, or a division of the body is called for by any three (3) members, the question shall be decided by a roll call vote. Each member called upon shall, unless he is excused for special reasons by the Senate, declare openly and without debate his assent or dissent to the question. Upon a roll call, the names of the members shall be called in alphabetical order and each member shall vote "Aye" or "No" when his name is called by the Clerk.

Whenever the electrical roll call system is used, the Clerk shall preserve the record of the votes of the members by making the printed roll call as authenticated by the roll call system a part of the Clerk's rough journal. When the roll call machine is inoperative, roll shall be called in alphabetical order.

52. **THE PREVIOUS QUESTION.** The previous question shall be stated by the Speaker in this form: "Shall the main question now be put?" Two-thirds (2/3) of the members present and voting affirmatively on the roll call system shall be required for the adoption of the previous question. If adopted, it shall preclude all further amendments and terminate all debate, but it may be applied to the main question or to the main question and amendment, or the main question, amendment and amendment to the amendment, and shall bring the Senate to a direct vote on the question, in the order in which they stand and from the point where the previous question was adopted. But in all debates upon resolutions or bills, immediately prior to their final passage, the mover or author of the resolution or bill shall have the right to close the debate thereon; and no call for the previous question nor any other motion shall cut off this right in the mover or author of the measure. When the demand for the previous question has been made and rejected, under the foregoing provision, it shall be in order upon the demand of a majority of the members of the Senate, for the Committee on Rules to meet and report for adoption by a majority of the Senate a rule or order fixing or limiting the time in which debate on said question shall be closed.

53. **DIVISION OF QUESTION.** If the question in debate contains several points, any member may have the same divided; but no bill shall be divided on third and final consideration.

54. **ORDER OF QUESTIONS.** All questions shall be propounded in the order which they were moved except the filling up of blanks.

55. **MOTIONS EFFECTING REJECTION.** A motion "To reject" or "To postpone indefinitely" or "To strike out the enacting clause of a bill", or "Resolving clause of a resolution", if concurred in, is equivalent to a rejection, provided, however, if any motion is made to this effect on first or second consideration, then the bill, or resolution, and motion shall lie over one day.

56. **MOTIONS DURING VOTE.** No motion shall be in order during voting on any question until the decision of the Senate is announced by the Speaker or Speaker pro tempore. At all other times a motion for adjournment shall be in order, provided some business has been transacted since the last motion to adjourn.

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57. **RECONSIDERATION.** When a question has been made and carried in the affirmative or when a question shall fail to carry, it shall be in order for any member voting with the prevailing side to move for reconsideration. It shall take a majority of the members to which the body is entitled to reconsider a question.

58. **MAJORITY IN ELECTIONS.** In all elections a majority of the Senate shall be necessary to a choice.

59. **VOTING.** A member shall vote only at his desk and, when the electrical roll call system is used, he shall vote only through the use of such system. When said system is used, a member shall push one (1) of the three (3) buttons provided on each bill.

60. **CHANGING VOTE.** Any member may change his vote on a roll call prior to the result being announced by the Speaker or by the Clerk of the Senate.

61. **EXPLANATION OF VOTE.** Any member may have written into the Journal an explanation of his vote or any particular motion, resolution, or bill immediately after the Speaker has announced the result of the vote by reducing his explanation to writing and handing same to the Clerk. However, an oral explanation is not a matter of privilege and will not be allowed from the floor.

62. **FAILURE TO RECEIVE CONSTITUTIONAL MAJORITY.** When any bill or resolution is voted upon, but fails to receive a constitutional majority, the same shall be automatically re-referred to the Committee on Calendar. Any bill so re-referred after the thirty-fifth (35th) legislative day of an annual session shall not be again placed on the calendar for consideration, unless this rule is suspended as provided by Rule 69 in which case it shall be placed in the next available position on the calendar for a succeeding day. However, no bill or resolution, having failed to receive a constitutional majority, shall be voted on more than twice by the Senate during a session.

When a majority of the members to which the body is entitled cast their votes against a bill or resolution, the Speaker shall declare the bill or resolution rejected.

63. **RECALL.** After any bill or other matter shall have been for seven (7) legislative days in any standing committee, the same may be called for by a majority of the members to which the body is entitled under the Constitution and placed upon the calendar of the Senate. Such action shall be in order only after a notice signed by the Sponsor giving the number of the bill to be called for has been filed with and announced by the Clerk at least one (1) day prior to offering a motion to withdraw said bill from the Committee in which it is held. When a bill has been recalled from a committee to which it was assigned by the Speaker or from the Committee on Calendar, it shall be placed at the foot of the calendar on the next day on which general bills are considered.

64. **CONFERENCE COMMITTEE REPORTS.** When a Conference Committee Report is submitted to the Clerk of the Senate, notice shall be given by the Clerk at least twenty-four (24) hours before its consideration by the Senate and a copy of the report shall be placed on the desk of each member of the Senate. On the last two (2) days of the ~~annual~~ session, this rule shall be waived.

A majority conference committee report must be affirmatively signed by the majority of the members appointed to the committee by the Senate and a majority of the members appointed to the committee by the House of Representatives. A majority conference committee report is privileged and may be taken up at any time except when a vote is being taken.

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A minority conference committee report must be affirmatively signed by at least one member appointed to the committee by the Senate and one member appointed to the committee by the House of Representatives. A motion to substitute a minority conference committee report for a majority conference committee report may be made at any time after the motion to adopt the majority conference committee report has been made but prior to the vote on the motion to adopt the majority conference committee report.

A majority report or minority report is objectionable in form if the majority report or minority report does not comply with the provisions of this rule and Rule 79. Objection to form of a majority report must be made prior to the vote on the motion to adopt the majority report. Objection to form of a minority report must be made prior to the vote on the motion to substitute the minority report for the majority report.

65. CERTIFICATION OF PASSAGE. When a bill shall pass, it shall be certified by the Clerk, noting the day of its passage at the foot thereof.

66. REPORT OF ENGROSSING. All bills passed in the Senate shall, before they are sent to the House, be examined by the Chief Engrossing Clerk, whose duty it shall be to examine all bills, amendments, resolutions or motions, before they go out of the possession of the Senate and to make report that they are correctly engrossed, which report shall be entered in the Journal.

67. NOTICE TO OVERRIDE GOVERNOR'S VETO. Prior to any member seeking to override the Governor's veto on any bill, a written motion to do same on a day certain shall be filed with the Clerk and notice shall be given at least twenty-four (24) hours prior to such motion being called up, with the exception that in the last two (2) days of any annual session, this rule shall not be applicable. A member may invoke this rule only twice on a bill in any session without suspension of the rules.

68. COMMITTEE OF THE WHOLE. In forming a Committee of the Whole, the Speaker shall leave the chair, and a chairman shall be appointed by the Speaker to preside in Committee unless the chairman appointed shall be objected to in which case the Committee of the Whole shall elect its own chairman.

Prior to the Senate dissolving itself into a Committee of the Whole, rules for same shall be prescribed by the Senate. **A committee of an extraordinary session shall not be considered a committee of the whole.**

69. SUSPENSION OF RULES. No rule of the Senate shall be suspended except by a vote of at least two-thirds (2/3) of the members present and registering on the roll call system.

70. ALTER OR AMEND RULES. The rules of the Senate may be altered or amended by a two-thirds (2/3) vote of the membership. Motions to amend the rules shall be referred by the Speaker to the Committee on Rules.

71. ADDITIONAL RULES. The rules of parliamentary practice comprised in *Mason's Manual of Legislative Procedure* shall govern the Senate in all cases in which they are applicable, and in which they are not inconsistent with the foregoing rules.

72. ADJOURNMENT. Adjournment shall be to the hour designated on the following or subsequent day, unless otherwise authorized.

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73. **COMMITTEE APPOINTMENTS.** Unless otherwise expressly directed by the Senate, the Speaker shall appoint all standing, special and select committees, giving due regard to the recommendations of party caucuses; the abilities, preferences, and seniority of the members; and the needs of the committee. In the event a member is absent from two consecutive meetings of a committee, the Speaker may make an interim appointment to the committee on such conditions as the Speaker may direct.

74. **COMMITTEE OFFICERS.** The Speaker shall appoint one Chairman, one Vice-Chairman and one Secretary for each of the ~~nine (9)~~ **four (4)** standing legislative committees, giving due regard to the abilities, preferences, and seniority of the members; the needs of the committees; the recommendations of party caucuses; and the political party representation in the Senate.

75. **STANDING LEGISLATIVE COMMITTEES.** There shall be the following standing legislative committees:

- (1) Commerce, Labor and Agriculture
- (2) Education
- ~~(3) Environment, Conservation and Tourism~~
- (4) Finance, Ways and Means
- ~~(5) General Welfare, Health and Human Resources~~
- (6) Government Operations
- ~~(7) Judiciary~~
- ~~(8) State and Local Government~~
- ~~(9) Transportation~~

~~The Committee on Finance, Ways and Means shall assign areas of annual budget requests to the appropriate standing committee for study and recommendation before final action by Finance, Ways and Means Committee.~~

~~The Committee on Finance, Ways and Means shall have eleven (11) members. No other standing committee except the Committee on Government Operations shall have more than nine (9) members, exclusive of the Speaker who shall be an ex-officio member of all standing legislative committees but who shall not have the right to vote except in case of a tie. However, the Speaker, when in attendance, shall not count as a member for the purpose of determining the number present.~~

~~Each member of the Senate, other than the Speaker, shall be appointed to serve on no less than two (2) nor more than three (3) of the standing committees.~~

76. **SELECT COMMITTEES.**

(1) There shall be a Committee on Calendar to be composed of a Chairman to be appointed by the Speaker from its members and the majority and minority floor leaders. The Committee on Calendar shall set the calendar and receive reports from the Secretary of State.

The Committee on Calendar shall only act as a scheduling committee and shall not engage in the determination of the merits of a bill, resolution or report and shall schedule every bill, resolution or report for Senate action during that session.

Ceremonies and Special Presentations during the regular order of business shall first be scheduled by the Committee on Calendar and shall be completed within the time allotted by the Committee on Calendar.

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(2) There shall be a Committee on Rules composed of five (5) members to be appointed by the Speaker. The Speaker shall appoint the chairman from those five (5) members.

(3) There shall be a Committee on Delayed Bills composed of the Speaker, the majority floor leader, and minority floor leader. The Committee on Delayed Bills shall meet at the call of the Speaker.

(4) There shall be a Committee on Ethics, which shall consist of five (5) members appointed by the Speaker. The committee shall have the power and duty to enforce the official Code of Ethics for the Senate and to recommend modifications in the said Official Code to the Committee on Rules.

77. COMMITTEE DUPLICATION. No special committee shall be appointed for any purpose when there is a standing committee on the same subject.

78. COMMITTEE STUDY AREAS. No legislation shall be enacted creating a special committee to make a study or investigation of any topic, matter, duty or area of responsibility assigned a standing committee.

The provisions of this rule shall in no way prevent the Speaker from appointing such committees as he deems necessary.

79. CONFERENCE COMMITTEE.

(1) A conference committee shall have the authority to recommend changes to a bill in addition to matters in dispute on the bill between the Senate and House of Representatives unless otherwise directed.

(2) A conference committee is not a joint committee but a joint meeting of the conference committee of the Senate and the conference committee of the House of Representatives.

(3) The Speaker shall appoint members to conference committees in the same manner as other committee appointments are made in accordance with the provisions of Rule 73.

(4) Conference committees shall give notice of the time and place of meetings to the Clerk of the Senate.

(5) Only proposals which are presented to the conference committee but which are not adopted as the majority report may be presented as a minority conference committee report in accordance with the provisions of Rule 64.

(6) If the conference committees of the Senate and House of Representatives on a bill are unable to agree, that fact shall be reported to the Senate.

(7) If the Senate receives a report that a conference committee is unable to agree or if either the Senate or the House of Representatives refuses to adopt the report of the committee, then the Speaker shall discharge the committee and appoint a new conference committee. Such committee shall be appointed in accordance with the provisions of Rule 73 and the Speaker may appoint members of the previous committee to serve on the new committee.

80. JOINT COMMITTEE RULES. The rules of procedure on joint committees in *Mason's Manual of Legislative Procedure* shall govern joint committees. If House and Senate committees or subcommittees meet jointly, the members shall vote by houses.

81. **RELATIONS WITH THE HOUSE AND THE EXECUTIVE.** Upon motion, the Senate acting by the written message of the Clerk may request the return of a bill or resolution from the House of Representatives. If a bill has been transmitted to the Governor, upon motion, the forwarding body acting by written message of the Clerk may request the return of the bill or resolution from the Governor.

82. **SESSION, DEFINITION OF.** As used in these rules, the term "session" shall refer to the two-year term of the General Assembly, unless modifying words such as "annual", "yearly", or the like, are used to evidence a contrary meaning.

COMMITTEE RULES

of the

SENATE

for the

One Hundred Sixth General Assembly

83. STANDING COMMITTEE RULES.

(1) **NOTICE OF COMMITTEE MEETINGS.** Standing committees shall meet at the times and places specified in an official committee schedule adopted by the Senate. A standing committee may hold a special committee meeting at a time and place other than that specified in the official schedule of committee meetings only with the express specific approval of the Speaker, and only if the chairman of the committee publicly announces the special meeting in open session of the Senate in advance of the meeting. If a regularly scheduled meeting is cancelled, the chairman shall announce such cancellation in open session of the Senate prior to the time fixed for the meeting. Meetings held when the Senate is in recess or adjournment for more than three (3) days shall be announced in open session or by not less than five (5) days written notice furnished to each member of the Senate by the chairman or by a majority of the members of the committee. Unless otherwise authorized by the Senate, all regular committees shall meet in the rooms designated by the Speaker as "Senate Committee Room", or as specified in the notice aforementioned. The Sergeant-at-Arms of the Senate is required to write all calls for a committee meeting on the Senate blackboard and/or bulletin board immediately after the announcements are made in the open Senate. No standing committee of the Senate shall meet while another standing committee of the Senate is meeting or while the Senate is in session.

(2) **OPEN MEETINGS.** Committee meetings shall be open to the public, except that when a committee is considering a matter involving the security of the state or nation or is investigating a proposed impeachment, upon vote by three-fourths (3/4) of the members present, and voting, a meeting may be declared closed to the public.

(3) **SUBCOMMITTEES.** Any standing committee may, by majority vote of its total membership, create such continuing or ad hoc subcommittees as it considers necessary and appropriate to deal with designated subjects within the scope of the subject jurisdiction of the committee. The committee chairman shall appoint members to any subcommittee so authorized and shall name the chairman thereof. The appointments shall be included in the written report of the committee and recorded in the Journal. Committee members shall be limited to membership on not more than one continuing subcommittee.

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A subcommittee of a standing committee shall have authority to consider only such bills, resolutions, or subjects as may be assigned to it by the standing committee which created it. Legislation assigned to a subcommittee must be considered and returned to the standing committee with a recommendation in a reasonable time. No subcommittee may meet while the standing committee of which it is a part or the Senate is in session without the consent of the standing committee.

(4) **JOINT COMMITTEES—OFFICERS.** In the absence of any express designation or appointment of the officers of a joint committee or joint subcommittee, the members thereof shall elect a chairman and such other officers as are considered necessary by the committee.

(5) **COMMITTEE LEGISLATION.** A standing committee may initiate legislation as a committee, in addition to acting upon legislation referred to it. Such legislation initiated by the committee shall be introduced by the chairman or his designee and such other members of the committee as may wish to join therein.

(6) **QUORUM.** A quorum shall consist of a majority of the members of a given standing committee.

(7) **ATTENDANCE.** All committee notes shall reflect attendance and members shall forfeit per diem allowance for their absences. The chairmen of all standing committees are charged with the duty and responsibility of providing and certifying to the Director of Legislative Administration the attendance roll call of the standing committees.

If any appointed member of a standing committee is absent from three consecutive regularly-scheduled meetings of the committee without being excused by the chairman, the chairman shall report such absences to the Speaker of the Senate.

Any Senator who is not a member of a committee meeting on Tuesday who is in his Senate office should be paid for that day, provided further that in the event a Senator is absent from a committee meeting or a Senate session upon legitimate business with the consent of the Speaker shall be paid.

(8) **REGULAR COMMITTEE CALENDAR.** ~~The chairman, in consultation with the vice-chairman and secretary of the Standing Committees,~~ shall set the calendars for hearings before all standing committees taking into consideration the necessity and importance of the legislation before the committee. The standing committee shall publish the committee calendar (bills to be heard) at each regular meeting of a standing committee **prior to the close of business the day prior to the** ~~at least six (6) days before said committee meeting,~~ and the sponsor shall be notified.

~~The foregoing provision shall not apply to a bill or resolution referred by a standing committee to the Committee on Finance, Ways and Means under Rule 31 however, after favorable consideration of a bill by the Committee and the Committee deciding that Rule 31 should apply, the sponsor shall be notified of the referral of the bill to the Committee on Finance, Ways and Means, and the Committee on Finance, Ways and Means shall consider the bill at its next hearing, provided that proper notice has been given. Prior to any scheduled standing committee meeting, the sponsor of any bill or resolution scheduled for a hearing before said standing committee may request the chairman of the standing committee to set another hearing date and the bill or resolution shall be scheduled for hearing; however, the sponsor of any bill or resolution shall only have the right to make such a request one (1) time on any particular bill or resolution and said bill or resolution shall only be rescheduled for hearing one time. Should the sponsor of a bill or resolution fail to appear~~

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~~before the standing committee when the bill or resolution is scheduled for a hearing, then the bill or resolution shall be returned to the desk of the Clerk of the Senate for the purpose of being withdrawn from the Senate. Should the sponsor have a good and sufficient reason for not appearing before the standing committee at the appointed hearing date, he may request the chairman of the standing committee to set another hearing date, and, if in the opinion of the chairman, the excuse of the sponsor of the legislation is considered worthy or justified, the bill or resolution shall be rescheduled for hearing. After a bill or resolution has been sent back to the Clerk's desk for withdrawal, the sponsor of the legislation may appeal to the Speaker to re-refer the proposed legislation, and the Speaker shall have the discretion as to what action should be taken.~~

~~The chairman, vice chairman and secretary of the standing committee shall only have hearings on a reasonable number of bills or resolutions at each committee meeting, however, all bills before a standing committee shall be acted upon.~~

(9) **COMMITTEE CONSENT CALENDAR.** All bills or resolutions not considered controversial in nature shall be placed on the Committee Consent Calendar by the chairman, vice-chairman and secretary of the committee provided the sponsor does not object. Any member of the standing committee may object to a bill or resolution placed on the Committee Consent Calendar, and if objection is raised, the bill or resolution shall be removed from the Committee Consent Calendar and placed at the heel of the said standing committee's regular calendar for the next meeting, unless the sponsor is present and requests action of the bill or resolution on that day.

The Committee Consent Calendar shall be printed and posted in a regular place in the Senate Chamber so that each member of the Senate may know the status of their legislation before the particular standing committee.

(10) **VOTING IN COMMITTEE.** The ~~Secretary~~ Clerk of each special or standing committee shall record the 'Aye' and 'Nay' votes by name cast on each question, however, no recommendation shall be made unless a majority of the total membership of the committee is present, said majority being a quorum.

The chairman of a standing committee shall record his vote in the same manner and time as any other member of the committee.

No proxy votes shall be permitted in a standing committee for any purpose.

(11) **COMMITTEE ACTION.** Bills or resolutions may be reported out of committee for passage as written, for passage as amended, for passage as written with a recommendation for referral to another standing committee, or for passage as amended with a recommendation for referral to another standing committee.

Every such bill or resolution shall contain on the cover a notation in ink, signed by the chairman, vice-chairman or secretary recommending the bill for passage as written, or recommending it for passage with any amendment or amendments recommended by the committee.

(a) No bill or resolution shall be reported from a standing committee unless it shall have received the recommendation for passage by a majority of the membership of the committee to which it is entitled, exclusive of any ex-officio members. ~~Any committee having nine (9) members shall require five (5) affirmative votes to report out any bill or resolution; all other Committees shall require a majority vote of the membership to which the committee is entitled. The Speaker shall have the right to cast a vote to break a tie in any committee created by the Senate. He shall be~~

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entitled to exercise this right regardless of any present nonvoting member when the vote of the Speaker will have the effect of defeating or passing the proposition, i.e., a majority of the membership of the committee to which it is entitled.

(b) If the majority of the committee to which it is entitled votes no on a bill or resolution, the bill or resolution shall not again be reconsidered by that committee in the same annual session.

(c) Any bill or resolution failing, but not receiving negative votes by a majority of the membership of the committee to which it is entitled, exclusive of any ex-officio members, may be reconsidered after all other bills and resolutions in the committee have been considered, upon written request by a majority of the committee.

(d) However, no bill or resolution shall be considered and placed for vote and a roll call effected on a motion to recommend same for passage more than two times in any standing committee.

(12) **COMMITTEE AMENDMENTS.** When a ~~standing~~ committee recommends a bill for passage only with the adoption of an amendment or amendments approved by a majority vote of the standing committee, the committee shall cause such committee amendment or amendments to be drawn and printed in advance of the consideration of the bill on the floor and placed upon the desk of each member of the Senate prior to such consideration. After the bill has been explained and its passage moved by the sponsor, the chairman of the standing committee making such recommendation, or his designee, shall then be recognized for the explanation of and debate on such amendment or amendments. It shall be the responsibility of the Chief Clerk of the Senate, when a report of a standing committee is made, to see that the above is followed.

(13) **MOTION TO RECONSIDER.** A motion to reconsider any committee action and to have the motion entered on the Journal (or records of the committee) shall not operate to give the mover possession or control of any measure for any ensuing period of time. It shall be treated as a simple motion to reconsider, and its effect shall be the same.

(14) **REJECTION OF A BILL.** A motion effecting a rejection of a bill or resolution shall not be in order in a ~~standing~~ committee. Such prohibited motions include motions to reject, to postpone indefinitely, to defer indefinitely, to strike the enacting clause or to strike the resolving clause.

(15) **COMMITTEE REPORT.** A written report of the action taken in reporting bills or resolutions out of committee shall be prepared under the direction of the committee chairman and submitted promptly together with the bills and resolutions and committee amendments, if any, to the Chief Clerk of the Senate.

(16) **COMMITTEE NOTES.** Notes reflecting committee action shall be recorded as deemed appropriate by the chairman.

(17) **DELIVERY OF BILLS.** The bill clerk shall be responsible for the safe delivery of bills from the Chief Clerk's bill safe to any meeting of the committee and for their return following the meeting.

(18) **RULES OF ORDER.** Except as stated in the foregoing rules, the Rules of Order of the Senate shall apply wherever appropriate. Other special rules shall not be adopted by committees, without first being approved by the Senate.

84. **COMMITTEE AREAS OF RESPONSIBILITY.** All proposed legislation and resolutions, except memorializing resolutions, shall, under this rule, be referred by the Speaker according to topic matter to the appropriate standing committee listed herein. However, at the time of referral any member may object to the referral and may move that the proposed legislation or resolution be referred to any committee and may so move without a motion to suspend the rules of the Senate.

(1) ~~Proposed Constitutional Amendments:~~

~~If the Speaker determines that legislation relates to the amendment of the Constitution of the State of Tennessee as an incidental part of such legislation, and the principal topic matter of such legislation, as described by this Rule, should be considered by another standing committee, then such legislation shall first be referred to the Committee on Judiciary for its evaluation and recommendation to the appropriate standing committee. The Committee on Judiciary shall act within thirty (30) calendar days of the referral in evaluating said legislation and shall only review the measure regarding procedural matters.~~

(2) Commerce, Labor and Agriculture:

1. Commerce, generally.
2. Insurance, generally.
3. Banking and lending institutions.
4. Communications.
5. Regulations, licensing and occupational standards.
6. Protections of trade and commerce against unlawful restraints and monopolies.
7. Corporations.
8. Labor and industrial relations, generally.
9. Consumer affairs and consumer protection.
10. Unemployment compensation.
11. Agriculture, generally.

(3) Education:

1. Education, generally.
2. Schools and secondary education.
3. School employees, administrators, teachers, bus drivers, and others.
4. School employees' and teachers' pay and retirement except where an appropriation of state funds is required.
5. Colleges and universities.
6. Employees of colleges and universities, including pay and retirement, except where an appropriation of state funds is required.
7. Vocational technical education.
8. Employees of vocational technical education schools, including pay and retirement, except where an appropriation of state funds is required.
9. College or university agricultural extension service.
10. Adult education.
11. School lunch program.

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12. Education and schools for exceptional children.
13. Cultural affairs.
14. Museums.
15. State and public libraries.

(4) ~~Environment, Conservation and Tourism:~~

- ~~1. Energy.~~
- ~~2. Forestry in general.~~
- ~~3. Natural resources, generally.~~
- ~~4. Conservation.~~
- ~~5. Game and Fish.~~
- ~~6. Mines and Minerals.~~
- ~~7. Matters relating to pollution of air, water and land.~~
- ~~8. Parks and recreations.~~
- ~~9. State parks and recreational districts.~~
- ~~10. Mineral resources of public lands.~~
- ~~11. Public and geological surveys.~~
- ~~12. Accretion, Alluvion, and dereliction of public and private lands.~~
- ~~13. Watershed districts.~~
- ~~14. Soil conservation.~~
- ~~15. Soil conservation districts.~~
- ~~16. Flood and drainage projects.~~
- ~~17. Construction, improvement and maintenance of waterways, lakes and streams.~~
- ~~18. Registering and licensing of vessels and small boats.~~
- ~~19. Tourism.~~
- ~~20. Military Parks and battlefields.~~
- ~~21. Environment.~~

(5) Finance, Ways and Means:

1. All measures relating to taxes and the raising of revenue.
2. All measures relating to bonds and the bonding of revenue.
3. All measures relating to the issuance, payment or retirement of bonds.
4. All measures related to the evidences of indebtedness.
5. Expenditure of funds.
6. All measures dealing with the appropriation of state funds.
7. General appropriations bill.
8. The deposit of public monies.
9. Congressional Relations.
10. Assessment and collection of property taxes.

(6) ~~General Welfare, Health and Human Resources:~~

- ~~1. Institutions, health and welfare generally.~~
- ~~2. Public or private hospitals.~~
- ~~3. Health offices and their administration.~~
- ~~4. Institutions and services for the mentally retarded.~~
- ~~5. Mental health institutions and facilities.~~

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- ~~6. Geriatric hospitals.~~
- ~~7. Nursing homes.~~
- ~~8. Vocational rehabilitation including vocation rehabilitation homes.~~
- ~~9. Alcoholic rehabilitation.~~
- ~~10. Department of Health.~~
- ~~11. Tuberculosis sanatoriums.~~
- ~~12. Nurses training programs.~~
- ~~13. Public welfare.~~
- ~~14. Old age assistance.~~
- ~~15. Private and local institutions of public welfare.~~
- ~~16. Research training and rehabilitation in the field of public welfare.~~

(7) Government Operations:

The Committee shall carry out its functions as assigned by the Tennessee Governmental Review Law and Uniform Administrative Procedures Act and consider any bills the committee originates as a result thereof.

If the Speaker determines that the prime purpose of legislation is the creation of a new department, commission, board, agency or council of state government, then the Committee on Government Operations shall be considered the appropriate standing committee for said legislation. Legislation whose prime purpose is the licensing and/or certification of occupational and/or professional groups shall be referred to the Committee on Government Operations.

If the Speaker determines that legislation includes the creation of a new department, commission, board, agency or council of state government as an incidental part of such legislation, and the principal topic matter of such legislation, as described by this Rule, should be considered by another standing committee, then such legislation shall first be referred to the Committee on Government Operations for its evaluation and recommendation to the appropriate standing committee. The Committee on Government Operations shall act promptly in evaluating said legislation and referring the legislation along with its written recommendation to the appropriate standing committee.

(8) Judiciary:

- ~~1. Miscellaneous matters not covered by other standing committees.~~
- ~~2. Code and civil laws.~~
- ~~3. Criminal laws.~~
- ~~4. Judicial proceedings, civil and criminal, generally.~~
- ~~5. Apportionment of elected officials and governing bodies.~~
- ~~6. Executors, administrators, wills and divorce and other family matters.~~
- ~~7. All matters relating to the courts, matters of court jurisdiction in general, and matters relating to judges generally, including retirement, compensation, expenses, personnel, facilities, etc.~~
- ~~8. Municipal and juvenile courts and justices of the peace.~~
- ~~9. Clerks of Court.~~
- ~~10. Sheriffs and Law enforcement officers.~~

(9) State and Local Government:

- _____ 1. _____ Local and municipal affairs, generally.
- _____ 2. _____ Forms of local government.
- _____ 3. _____ Utility districts.
- _____ 4. _____ Matters dealing with technical assistance to local governments.
- _____ 5. _____ Assistance to local and municipal governments.
- _____ 6. _____ Matters dealing with revenue and taxation levied by local governments.
- _____ 7. _____ Matters dealing with employees of local governments.
- _____ 8. _____ Matters dealing with expenditure by local governments.
- _____ 9. _____ Matters dealing with local ordinances.
- _____ 10. _____ State and local government boundary lines.
- _____ 11. _____ Veterans affairs.
- _____ 12. _____ Penal and correctional institutions.
- _____ 13. _____ Public lands.
- _____ 14. _____ Preservation of historical landmarks and objects.
- _____ 15. _____ Holidays and celebrations.
- _____ 16. _____ Regulation of sale of intoxicating liquors.
- _____ 17. _____ Adjutant General and National Guard.
- _____ 18. _____ Election Laws.
- _____ 19. _____ State Government in general.

(10) Transportation:

- _____ 1. _____ Transportation, highways and public works in general.
- _____ 2. _____ Highways, roads and bridges.
- _____ 3. _____ Railroads.
- _____ 4. _____ Air, bus and vehicular transportation.
- _____ 5. _____ Rules and regulations for highway, railroad, and air use.
- _____ 6. _____ Common carriers, except by water.
- _____ 7. _____ Pipelines.
- _____ 8. _____ Motor vehicle regulations.
- _____ 9. _____ Public works.
- _____ 10. _____ Facilities in connection with waterways, lakes and streams.
- _____ 11. _____ Navigations and laws relating thereto.
- _____ 12. _____ Regulation of common carriers.
- _____ 13. _____ Department of Safety.

85. A CODE OF ETHICS FOR THE TENNESSEE STATE SENATE.

Article I

Statement of Purpose

It is the purpose of this Code of Ethics for the Tennessee State Senate to set reasonable and practicable standards and guidelines governing the conduct of Senators to accommodate men and women of integrity and dedication without being so stringent and restrictive that service in the Senate will be limited only to the poor on the one hand or the wealthy on the other.

Article II

Conflicts of Interest

SECTION 1. A Senator has a personal interest which is in conflict with the proper discharge of his duties if he has reason to believe or expect that he will derive a direct monetary gain or any other advantage or suffer a direct monetary loss by reason of his official activity.

SECTION 2. The integrity and reputation of the Senate will be maintained and enhanced and the public interest protected when Senators avoid the following types of conduct:

(a) Actions which destroy a Senator's independence of judgment as a legislator:

(1) A Senator shall not vote on or influence legislation in committee or on the floor of either house, where he has a personal interest (as defined in Section 1) which is in conflict with the proper discharge of his duties, unless the Senator declares that "It may be considered that I have a degree of personal interest in the subject matter of the bill, but I declare that my argument and my ultimate vote answer only to my conscience and my obligation to my constituents and the citizens of the State of Tennessee".

(2) A Senator shall not accept any gratuity or compensation for performance of his legislative duties other than his official legislative salary and allowances, except that this provision shall not preclude the acceptance by a Senator of any ceremonial award or gift, such as a certificate of appreciation, a plaque or similar award or memento, or the acceptance of personal hospitality in connection with a normal social function.

(3) A Senator shall not ask for, receive, or agree to receive anything of value upon any understanding that his vote, opinion, judgment or action will be influenced thereby.

(4) A Senator shall not solicit, receive or accept a gift, favor or service under circumstances where it could be reasonably inferred that such action would influence the Senator in the discharge of his duties, or was a reward, except that this provision shall not preclude the acceptance by a Senator of any ceremonial award or gift, such as a certificate of appreciation, a plaque or similar award or memento, or the acceptance of personal hospitality in connection with a normal social function.

(5) A Senator shall not accept any remuneration other than his legislative compensation for his legislative advice or assistance.

(b) Actions which involve undue influence upon any state department, agency, court or governmental subdivision:

(1) A Senator shall not, by himself or through others, use or attempt to use improper means to influence a department, agency, board or commission of state government.

(2) A Senator shall not represent any claimant for compensation in any claim placed before the General Assembly.

(3) A Senator shall not receive compensation for an appearance before a department, agency, board, or commission of state government as an expert witness.

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(4) A Senator may use his official title or stationery in connection with a matter or proceeding before a department, agency, board, or commission of state government, but only if done without compensation and in connection with his official duties as a legislator.

(c) Actions which constitute an abuse of his official position or a violation of his trust:

(1) A Senator shall not accept employment, or engage in any business, or be involved in any activity which he might reasonably expect would require him to disclose confidential information gained by virtue of his office.

(2) A Senator shall not enter into any contract with any department, agency, board, or commission of state government, exclusive of any county, city, metropolitan government, or other political subdivision of the state, involving services or property. Provided, however, a Senator who has entered into such a contract prior to his or her election as a Senator may fulfill a then existing obligation under said contract.

(3) A Senator shall not use his office either to grant or to obtain special privilege, exemption, or preferential treatment to or for himself.

(4) A Senator shall not use confidential information obtained through his office or position for the benefit of himself, nor shall he disclose such information except in good faith and to perform a legislative duty.

(d) Upon indictment an indicted Senator who is chairman, vice-chairman or secretary of a committee or subcommittee or of a caucus, or who holds any other position of appointive or elective leadership, may request a hearing by the Committee on Ethics to determine whether such Senator should be suspended from his or her position as long as the indictment is being actively pursued, as determined by the Committee on Ethics. If such Senator fails to make such request by the end of the tenth calendar day after the indictment, the suspension will take effect and will continue as long as the indictment is being actively pursued, as determined by the Ethics Committee.

The Committee on Ethics shall in making its determination consider:

(1) The nature of the offense.

(2) Whether the offense involves the duties of the office of Senator or moral turpitude.

(3) Any other factor deemed relevant by the committee.

Any Senator dissatisfied with the action of the committee may appeal to the full Senate.

(e) It shall be unethical:

(1) To breach a trust of the office of State Senator, whether specifically set out in this code as a breach of trust in office or not, or of a Senate employee; or

(2) To fail to report to the Committee on Ethics any violation of subpart (1) of this subsection, unless so reporting would constitute an obstruction of justice under the laws of Tennessee.

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(3) For any member of the Senate, by loyalty pledge, unit rule, or other formal agreement, to restrict himself or herself, or any other member of the Senate, from voting on any matters before the Senate or any of its committees except in accordance with the member's personal convictions and with the member's oath of office.

When the Committee on Ethics receives information in confidence of any violation, it shall expedite a hearing and report its recommendation to the Senate, if Senate action is necessary.

SECTION 3. (a) On or before June 1 of each year, each Senator shall file with the Chief Clerk of the Senate a statement of financial interests for the preceding calendar year, which statements are public records and which shall be retained on file by the Chief Clerk for public inspection during normal office hours. Copies may be furnished to any person at a reasonable fee to cover copying charges. The Chief Clerk of the Senate shall provide to any Senator whose statement or statements have been inspected or copied notice of the name of the person requesting such inspection and the date the inspection was made, such notice to be furnished within five (5) days after the inspection.

Statements for prior years of Senators remaining in office shall be kept in the Clerk's office for as long as the Senators to whom they apply remain in the Senate. Statements for those persons no longer in the Senate shall be kept on file for one (1) year after Senate membership ceases and then be placed in the archives for storage and orderly disposal.

(b) The statement of financial interests shall be on such forms as may be prescribed by the Senate Committee on Ethics and furnished to Senators by the Chief Clerk of the Senate by certified mail, return receipt requested, prior to February of each year. The statement shall be signed by the Senator filing under penalty of perjury for filing a false or fraudulent statement.

(c) The statement required herein is in addition to the disclosure statement required to be filed with the Registry of Election Finance pursuant to Tennessee Code Annotated, Title 2, Chapter 10, Part 2, and shall contain the following information:

(1) The nature of the business of any corporation, firm or enterprise in which the reporting Senator and his spouse or either of them have a direct financial interest of a value in excess of five thousand dollars (\$5,000), excluding policies of insurance, accounts in banks, savings and loan associations, and credit unions.

(2) Every office or directorship held by the reporting Senator and his spouse or either of them, in any corporation, firm, or enterprise.

(3) Sources of income in excess of one thousand five hundred dollars (\$1,500) received by the reporting Senator or his spouse, but such disclosure shall not be construed to require the listings of any customer or client names.

(4) A listing of all persons, firms, associations, corporations, or organizations for whom the reporting senator and his spouse or either of them have prepared, promoted, or opposed legislation or proposed legislation for current or deferred remuneration.

(5) A listing of the departments, agencies, boards, or commissions of state government before which the reporting senator or any partnership or association of which the reporting Senator and his spouse or either of them are members practiced during the preceding calendar year and received fees in excess of one thousand five hundred dollars (\$1,500) for each such practice.

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(6) A listing of the departments, agencies, boards, or commissions of state government with which the reporting Senator and his spouse or either of them, or any corporation, firm, or enterprise listed pursuant to paragraph 1 of this subsection, transacted business during the preceding calendar year in excess of one thousand five hundred dollars (\$1,500) in value.

(7) The amount and source, by name, of any contributions from private sources for use in defraying the expenses necessarily related to the adequate performance of the reporting Senator's legislative duties.

(8) Any retainer or fee which the reporting Senator receives from any person, firm, or organization who is in the practice of promoting or opposing, influencing or attempting to influence directly or indirectly, the passage or defeat of any legislation before the General Assembly, the legislative committees, or the members thereof.

(9) Any adjudication of bankruptcy or discharge received by the reporting Senator in any United States district court within five (5) years from the date of the disclosure.

(10) Such additional information as the reporting Senator might desire.

(d) Each statement shall also contain the information listed in items 1 through 10 with respect to minor children residing with the reporting Senator, which information relates to items under the constructive control of the reporting Senator.

Article III

Campaign Finance

SECTION 1. Senators shall be careful and diligent in complying with the requirements of the general law of the state regulating campaign financial disclosures.

Article IV

Senate Committee on Ethics

SECTION 1. (a) The Senate Committee on Ethics shall be composed of three (3) members of the majority party and two (2) members of the minority party, appointed by the Speaker, and shall have authority to render, upon request of any Senator, advisory opinions as to whether the facts and circumstances of a particular case constitute or will constitute a violation or probable violation of the Code of Ethics for the Senate or of any statute governing senatorial ethics or conduct. The identity of persons involved will be kept in confidence.

(b) The committee shall have the authority to receive and consider complaints concerning alleged violations of the Code of Ethics or statutes governing senatorial ethics or conduct, to investigate such complaints and hold hearings. The committee may also initiate investigations upon a complaint being filed by one or more of its membership.

(c) The committee shall have authority to subpoena witnesses, administer oaths, take testimony, and to require the production of any items of evidence relative to any matter under investigation. Before the committee exercises any of the authority granted in this section with respect to any investigation or hearings, it shall by majority vote of the whole membership of the committee, define the nature and scope of its inquiry.

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SECTION 2. Complaints must be in writing, signed by the person making the complaint, stating all available facts, under oath, or affirmation, which oath or affirmation must be taken personally before the chairman or any member of the Senate Committee on Ethics. The committee staff shall initially investigate complaints. If, after the initial investigation, a majority of the committee determines that there is probable cause to believe that a violation of the Code of Ethics or of a statute governing senatorial ethics or conduct might have occurred, a copy of the complaint and a further statement of the alleged violation shall be served upon the alleged violator. He shall have twenty (20) days after service thereof to respond in writing to the complaint and statement.

SECTION 3. If a majority of the members of the committee conclude that there is reason to believe that a violation of the Code of Ethics or of a statute governing senatorial ethics or conduct has occurred, the committee shall set a time and place for a hearing, giving notice to the complainant and to the alleged violator. All parties shall have an opportunity:

(1) to be heard;

(2) to subpoena witnesses and require the production of any items of evidence relative to the proceedings;

(3) to be represented by counsel; and

(4) to have the right of cross-examination. All witnesses shall testify under oath and the hearings shall be open to the public. The committee shall not be bound by the strict rules of evidence but the committee's findings must be based upon competent and substantial evidence. All testimony and other evidence taken at the hearing shall be recorded. Copies of transcripts of such record shall be available for examination by interested citizens during normal office hours.

SECTION 4. The committee shall dismiss the complaint if it finds that no violation has occurred, or if it determines that a violation has been committed, shall make its findings and recommend to the Senate appropriate disciplinary action as allowed under the Constitution and law against the Senator found guilty of committing the violation and if it finds that the circumstances warrant, turn its evidence and findings over to the appropriate district attorney general for such civil or criminal action as he may determine is warranted.

SECTION 5. A decision of the committee pertaining to the conduct of any Senator shall be in writing and signed by a majority of members of the committee. No member of the committee shall participate in any matter in which he is involved.

SECTION 6. If an apparent conflict situation arises but the affected Senator feels that his independence of judgment is not impaired, he may file with the committee a signed statement describing the circumstances of the apparent conflict and the legislation to which it relates, stating that in his judgment he is able to vote and otherwise participate in the legislative process fairly and objectively. The act of signing and filing such a statement is an acknowledgement by the Senator that the information given is true and correct to the best of his knowledge and belief. When such a statement is filed, the disqualifications of Article II, 2(a)(1), are suspended, subject to further action of the Senate if the question should come before it.

SECTION 7. The Senate Committee on Ethics shall be clothed with all the powers granted to investigating committees generally by Tennessee Code Annotated, Title 3, Chapter 3, and any person who, having been served with a subpoena to appear before the committee, willfully fails to

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appear, or who, having appeared, willfully refuses to answer questions of the committee or produce any papers, documents, records or other items of evidence called for by the committee, is guilty of contempt and is punishable as provided by Tennessee Code Annotated, Title 3, Chapter 3. Further, any person who willfully swears or affirms falsely in any material matter, in respect to any matter under inquiry by the committee, upon oath or affirmation, to a complaint or in giving testimony, or who produces false evidence, is guilty of perjury and is punishable as provided in Tennessee Code Annotated, Title 3, Chapter 3. Further, any person who willfully evades the service of a subpoena by the committee is punishable as provided in Tennessee Code Annotated, Title 3, Chapter 3.

MOTION

Thereupon, Senator Norris renewed his motion that the Temporary Rules of the Senate of the One Hundred Sixth General Assembly, as amended, be made the Permanent Rules of the First Extraordinary Session of the One Hundred Sixth General Assembly, which motion prevailed.

APPOINTMENTS

Pursuant to Senate Rules 73 and 74, the Speaker announced the appointment of committees for the First Extraordinary Session of the One Hundred Sixth General Assembly.

FINANCE, WAYS AND MEANS

McNally (R), Chairperson; Henry (D), Vice Chairperson; Burchett (R), Secretary; Norris (R), Kyle (D), Black (R), Herron (D), Haynes (D), Overbey (R), Watson (R), Woodson (R), Finney (D) and Gresham (R).

COMMERCE, LABOR AND AGRICULTURE

Johnson (R), Chairperson; Bunch (R), Vice Chairperson; Harper (D), Secretary; Beavers (R), Burchett (R), Southerland (R), Ketron (R), Stewart (D), Jackson (D), Faulk (R), Ford (D), Barnes (D) and Watson (R).

EDUCATION

Gresham (R), Chairperson; Tate (D), Vice Chairperson; Berke (D), Secretary; Woodson (R), Crowe (R), Ketron (R), Tracy (R), Haynes (D), Burks (D), Yager (R), Kelsey (R), Marrero (D) and McNally (R).

GOVERNMENT OPERATIONS

Watson (R), Chairperson; Harper (D), Vice Chairperson; Ford (D), Secretary; Barnes (D), Bunch (R), Crowe (R), Johnson (R), Kelsey (R) and Tate (D).

RULES

Norris (R), Chairperson; McNally (R), Vice Chairperson; Bunch (R), Secretary; Henry (D) and Kyle (D).

CALENDAR

Faulk (R), Chairperson; Kyle (D) and Norris (R).

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ETHICS

Black (R), Chairperson; Burks (D), Vice Chairperson; Haynes (D), Secretary; Ketron (R) and Norris (R).

DELAYED BILLS

Mr. Speaker Ramsey (R), Kyle (D) and Norris (R).

MOTION

Senator Norris moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 1**, out of order, which motion prevailed.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution No. 1 by Senator Norris.
General Assembly, Joint Conventions -- Governor's Extraordinary Session address, January 12, 2010.

On motion of Senator Norris, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 1** was adopted.

APPOINTMENT OF SELECT COMMITTEES

The Speaker announced the appointment of the following committee to notify the House of Representatives that the Senate had perfected its organization and was ready for the transaction of business: Senators Haynes, Marrero, Tate, Southerland, Woodson and Yager. Senator Yager served as Chairperson of this committee.

The Speaker announced the appointment of the following committee to notify the Governor that the Senate had perfected its organization and was ready for the transaction of business: Senators Burchett, Faulk, Harper, Jackson, Kelsey and Stewart. Senator Burchett served as Chairperson of this committee.

RECESS

The Speaker announced that the Senate would stand in recess pending return of the committees.

REPORT OF SELECT COMMITTEE

A delegation from the House announced that the House had perfected its organization and was ready for the transaction of business.

CALL TO ORDER

The Senate was called to order by Mr. Speaker Ramsey.

ROLL CALL

The Speaker declared that a quorum was present.

On motion, the roll call was dispensed with.

REPORT OF SELECT COMMITTEES

Senator Burchett, Chairperson, advised the Senate that the Governor had been notified that the Senate had perfected its organization and was ready for the transaction of business.

Senator Yager, Chairperson, advised the Senate that the House of Representatives had been notified that the Senate had perfected its organization and was ready for the transaction of business.

MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **Senate Bills Nos. 1 through 15** be passed on first consideration, which motion prevailed.

INTRODUCTION OF BILLS

The Speaker announced that the following bills were filed for introduction and passed first consideration:

Senate Bill No. 1 by Senator Ketron.

Workers' Compensation -- As introduced, suspends the provisions of Acts 2008, Public Chapter 1041 until February 28, 2011. Amends TCA Title 1, Chapter 3; Title 39, Chapter 11; Title 50 and Title 56.

Senate Bill No. 2 by Senator Ketron.

Workers' Compensation -- As introduced, removes provision requiring sole proprietors and partners to carry liability insurance on themselves from February 1 through June 30. Amends TCA Title 50, Chapter 6, Part 1 and Chapter 1041 of the Public Acts of 2008.

Senate Bill No. 3 by Senator Gresham.

Education, Higher -- As introduced, requires THEC to report annually to the Education Committees of the Senate and House on progress toward full articulation between all public institutions of higher education, instead of making such report to the select oversight committee on education. Amends TCA Title 49.

Senate Bill No. 4 by Senator Gresham.

Education -- As introduced, requires Department of Education to post state salary schedule for teachers or a link thereto on its teacher licensing web page; requires LEAs to post local salary schedule on their Web sites. Amends TCA Title 49.

Senate Bill No. 5 by Senators Kyle, Woodson, Gresham, McNally and Berke.

Education -- As introduced, enacts the "Tennessee First to the Top Act of 2010". Amends TCA Title 49, Chapters 1, 2, 3 and 5.

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Senate Bill No. 6 by Senators Kyle, Woodson, Gresham, McNally and Berke.

Education -- As introduced, enacts the "Complete College Tennessee Act of 2010". Amends TCA Title 49, Chapter 7, Chapter 8 and Chapter 9.

Senate Bill No. 7 by Senator Kyle.

Appropriations -- As introduced, makes appropriations for fiscal years 2009-2010 and 2010-2011.

Senate Bill No. 8 by Senator Kyle.

Budget Procedures -- As introduced, authorizes the index of appropriations from state tax revenues for the 2009-2010 fiscal year to exceed the index of estimated growth in the state's economy by \$11.3 million or 0.1 percent. Amends TCA Title 9, Chapter 4, Part 52.

Senate Bill No. 9 by Senator Kyle.

Appropriations -- As introduced, makes appropriations for the purpose of defraying the expenses of the Extraordinary Session of the 106th General Assembly.

Senate Bill No. 10 by Senator Kyle.

Budget Procedures -- As introduced, requires index bills introduced during extraordinary sessions to be posted on Web sites of general assembly and state treasurer. Amends TCA Section 9-4-5203.

Senate Bill No. 11 by Senator Woodson.

Education, Higher -- As introduced, removes the requirement that THEC's statewide master plan for higher education be published in accordance with the rules, regulations, policies, and procedures of the state publications commission; requires the board of regents to pursue strategies to create relationships with technology centers and community colleges such that certificate programs may be offered at community colleges and community college courses may be offered at technology centers. Amends TCA Title 49, Chapters 7, 8 and 9.

Senate Bill No. 12 by Senator Woodson.

Education -- As introduced, removes the provision whereby teacher effect data may not be retained for use in evaluations for more than the most recent five years; revises requirements governing performance standards in principals' contracts; requires the development of a salary schedule for substitute personnel; revises provisions governing hearings for teachers who receive notice of suspension or dismissal charges. Amends TCA Title 49, Chapters 1, 2, 3 and 5.

Senate Bill No. 13 by Senators Norris and Gresham.

Education -- As introduced, authorizes the University of Tennessee, Knoxville and Oak Ridge National Laboratory to enter into an agreement concerning collaboration in interdisciplinary research and education. Amends TCA Title 49, Chapter 7; Title 49, Chapter 8 and Title 49, Chapter 9.

Senate Bill No. 14 by Senators Norris and Gresham.

Education -- As introduced, allows an LEA to submit its own proposed salary schedule to the commissioner. Amends TCA Title 49, Chapter 2; Title 49, Chapter 3; Title 49, Chapter 5 and Title 49, Chapter 1.

Senate Bill No. 15 by Senators Norris and Gresham.

Appropriations -- As introduced, makes appropriations to defray the costs of certain enactments of the 2010 Special Session of the 106th General Assembly.

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RECESS

Senator Norris moved that the Senate recess and repair in a body to the House Chamber to meet the House of Representatives in Joint Convention for the purpose of hearing the Governor's message, and further moved that at the conclusion of the Joint Convention that the Senate adjourn until 8:30 a.m., Wednesday, January 13, 2010, which motion prevailed.

IN JOINT CONVENTION

CALL TO ORDER

Mr. President Ramsey called the Joint Convention to order pursuant to **Senate Joint Resolution No. 1**.

ROLL CALL

Mr. President Ramsey declared that a quorum was present.

On motion of Senator Norris, the roll call of the Senate was dispensed with.

On motion of Representative Mumpower, the roll call of the House was dispensed with.

Mr. Russell Humphrey, Chief Clerk of the Senate, read **Senate Joint Resolution No. 1**, authorizing the Joint Convention to hear the Message of Governor Phil Bredesen.

MOTION

Senator Woodson moved that Mr. President Ramsey appoint a committee composed of six members from the Senate and six members from the House of Representatives to notify the Governor that the Joint Convention was in session and awaiting his arrival, which motion prevailed.

APPOINTMENT OF SELECT COMMITTEE

Mr. President Ramsey appointed a committee composed of Senators Crowe, Gresham, Ketron, Burks, Kyle and Finney; and Representatives Matheny, Pitts, Harry Brooks, Hawk, Towns and Brown. Senator Gresham served as Chairperson of this committee.

RECESS

On motion, the Joint Convention recessed pending the arrival of the Governor.

CALL TO ORDER

Mr. President Ramsey called the Joint Convention to order.

Mr. President Ramsey declared a quorum was present.

On motion, the roll calls of the Senate and House of Representatives were dispensed with.

The Honorable Phil Bredesen, Governor, appeared at the Bar of the House Chamber and was escorted to the Speaker's Podium.

TUESDAY, JANUARY 12, 2010 -- 1ST EXTRAORDINARY DAY

Mr. President Ramsey presented the Honorable Phil Bredesen, who delivered the following address:

REMARKS OF GOVERNOR PHIL BREDESEN FIRST EXTRAORDINARY SESSION THE CAPITOL, JANUARY 12, 2010

Lieutenant Governor Ramsey, Speaker Williams, Speaker Pro Temp DeBerry, Members of the 106th General Assembly, Friends, and my Fellow Tennesseans.

As we begin this evening, I want to recognize that we are sadly missing two members of the General Assembly – our former Senate Speaker and Lieutenant Governor, John Wilder, and Representative Larry Turner. Would you join me in a moment of silence to reflect on their contributions to our state and nation.

In my seven years as Governor, this is only the second time that I have exercised my constitutional authority to call you into Special Session. I am doing so now because I believe there are opportunities – and obligations – before us that are as compelling as any I have seen in my time as Governor.

This week, I ask you to come together in this extraordinary session and focus the attention, focus the energy and focus the will of this great body on a single task: demonstrating Tennessee's deep and abiding commitment to educating our children, from pre-K through college; our commitment to offering them to the very best of our ability the knowledge and skills that in the years ahead will mean good jobs and good citizenship in our great democracy.

I consider it a privilege for each of us to be in a position to act when the opportunity is there. The decisions we make in this next week about how Tennessee's education system works will resonate for years to come.

If I could leave a thought for future governors and future General Assemblies, it would be this: Tennessee has got to solve the problem of creating a better-educated workforce. Our proportion of citizens with college degrees is well below the national average – we rank 42nd – and the rate at which we are producing new graduates is not sufficient to catch us up. This is going to hurt us badly in the future if we don't address it. Investment, and jobs, used to go where the ports were, where the rivers came together, where the railroads crossed. More and more in the years to come it will be where the human resources are; where there are people with the skills to make those investments productive.

Over the years, we have talked a great deal about graduation rates and degree rates and rankings and so on. Perhaps the best way to look at Tennessee's challenges, and our opportunities, in public education is to look at our education pipeline.

More specifically, look at those children who enter our public high schools. How they progress. And what happens to them when they leave.

Putting it in plain English: For every 100 students who enter ninth grade in our public schools, 67 graduate from high school in four-years. Of those, 43 go directly to college after graduation. Of those, 29 return for their sophomore year of college. And finally, just 19 graduate with an associate's degree in three years or a bachelor's degree in six years.

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Let me recap. For every 100 ninth graders, we ultimately produce just 19 Tennesseans who hold a two-year or four-year degree.

We can do better. We've got to do better.

As you know, I have committed throughout my time as Governor to make public education Tennessee's highest priority.

In years when other areas of state government were being drastically cut, together we have fully funded the Basic Education Program. We have worked together to raise teacher pay. We even managed to add hundreds of millions of dollars of new funding for public education in 2007, while at the same time raising standards and tightening accountability. But we still have a lot of work to do. For my part, I am committed to using the time I have remaining in this office to continue advancing the cause of public education. As elected officials, it is the most important thing we do.

I've called this Special Session because sometimes the planets just line up and there is an opportunity that you didn't expect. These are the times to seize the moment. This year, we have had two unique opportunities thrust upon us, which allow us to focus on the entire education pipeline in one panoramic view.

First, the federal government's Race to the Top competition. This is President Obama's challenge for innovation in education. It's bold, it's bipartisan, it's transformational and I applaud him for it. More than \$4 billion will be split between a handful of states who prove they are ready to excel in public education. I believe that Tennessee is very competitive and I know you agree. Many national education experts concur, but I am taking nothing for granted.

We have a number of things going for us: the work we have done in raising high school standards through the Tennessee Diploma Project has gained us national attention for its depth and the speed with which it was accomplished. We have kept our K-12 funding intact through a very difficult recession, when many states were slashing education budgets. The value-added assessments that Tennessee began two decades ago are now a key part of many education reform efforts around the country; we're not proposing to implement them in the future, we already have twenty years of experience under our belt and that has the potential to be a tremendous asset to our proposal.

Our plan is to seek about \$485 million from the Race to the Top Fund. This is more than the federal guidelines recommend. But I believe that Tennessee has more to offer in potential for true education innovation.

If we are successful, half of the funds will be distributed over the next four-years directly to participating local school systems through the existing Title 1 funding formula. The other half will go to the state, for the purposes of spurring additional education innovation at both the state and local levels.

As I know you understand, there are no guarantees here. If we don't win in the first round, we'll try again in the second this summer. If we don't win there, I'll be disappointed but we won't skip a beat and the actions we will have taken will only strengthen us.

Let me address one issue: there is a legitimate concern that's been expressed that these funds are a Trojan Horse: that we bring them into our state and they prove to be more than they seem at first; that they effectively create ongoing commitments beyond what we signed up for.

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Believe me, I'm making sure that our approach to using these funds is to use them during the four-year period and not start a series of recurring expenditures that some future governor and General Assembly will have to deal with.

Our proposals for the use of these resources will include three major categories:

First, turn around schools. For those schools that are consistently failing, we need a strategy – and the resources – to turn them around. Race to the Top can transform our efforts in this regard.

With this in mind, the legislation before you in this extraordinary session includes granting the Commissioner of Education the authority to create a special school district – an Achievement School District – for the purposes of intervening in consistently failing schools, and getting them back on track.

Second, our Race to the Top plan will put a statewide emphasis on science, technology, engineering and math – or the STEM disciplines, as they're called. Tennessee already is emerging as a national leader in this critical area, and I believe it provides the opportunity for our proposal to shine.

Just last month, we unveiled a new partnership with Battelle – a world-class R&D concern – to sharpen our approach to STEM education. You may have heard of Battelle. Over the years, they have helped pioneer everything from Xerox technology to the compact disc. They manage or co-manage six of America's national labs, including our own Oak Ridge National Laboratory, in a partnership with the University of Tennessee. In Ohio, where Battelle is based, they have quarterbacked the creation of what is likely the most extensive network of STEM programs and schools in America. For the purposes of Race to the Top, Battelle has agreed to help us do the same in Tennessee. We'll be building new science labs, adding new technology, and creating new curricula to inspire and create new interest in science and math.

Ted Strickland, Ohio's Governor, is a friend of mine and we have talked about how to leverage what Battelle is doing in Ohio and has committed to do in Tennessee into a broader relationship between our states in STEM education. This could include the exchange of teachers and students, sharing technology, and a host of partnerships that will offer new dimensions of learning to our students.

Let me get to the heart of what this STEM concept is all about. Last month, I had the opportunity to visit Mt. Juliet High School here in Middle Tennessee, and participate in a homecoming celebration for one of their most prominent alums. Captain Barry Wilmore grew up in Wilson County, attended public schools, and earned his electrical engineering and aviation degrees from Tennessee Tech and UT. He joined NASA's astronaut corps – and in November realized a lifelong dream by piloting the Space Shuttle.

After the ceremonies and speeches in the gym, Captain Wilmore spoke to a group of science students in the astronomy lab. These were future engineers and maybe astronauts and they were absolutely riveted. He handed one student a NASA spacesuit patch that he had carried with him aboard that November shuttle mission. When that student took that patch, tears welled up in her eyes. You could see in her the inspiration and excitement of a thousand Tennessee kids who dream about one day piloting the shuttle into space, or discovering a cure for cancer, or writing software that changes our lives. I've got no question that she'll do something remarkable one day.

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I was a physics major in college. I'm personally excited about this part of our Race to the Top plan. As Governor, I view Tennessee's partnership with Battelle as a way to expose our entire education system to the expertise of a world-class science organization and the entrepreneurial culture of Oak Ridge National Lab. This is the right thing to do for Tennessee's students.

Third, and most important, is a proposal for a vastly expanded approach to professional development for our teachers and principals.

I believe with all my heart that public education must refocus on the individual teacher – making a commitment to getting the best possible people to teach and giving them the support and skills that maximize their value. Education is not about organization, or technology, or administration. It is about teachers; finding, keeping and rewarding good teachers. If we have a choice between sending a child to, say, sixth grade in a state-of-the-art classroom with new computers, new desks and new books but with an indifferent teacher ... or a simple classroom with a blackboard and a GREAT teacher, which would we choose? You know the answer. More than everything else put together in education, teachers matter.

It should be pretty clear to you by this point that I want to win this Race to the Top competition; it could be transformational for K-12 education in Tennessee. We're in a strong position – no guarantees certainly – but we have one significant weakness. Here in Tennessee, we have had comprehensive testing for nearly two decades; since long before No Child Left Behind or Race to the Top. And with our nearly two decades of consistent data on student achievement, we now have one of the best longitudinal databases in America. In fact, we are the envy of many in the national education community because of it. But we don't use it.

The Race to the Top application specifically requires that student achievement data, of which we have some of the very best in the nation, be used as a "significant factor" in the evaluation of teachers and principals. States which we see as our primary competitors have established themselves at 50 percent; half of the assessment of teachers and principals is based on how much their students advance while they're involved with them. A portion of that assessment is based on actual test results. The remainder is based on other objective measures of student achievement such as end-of-course assessments, Advanced Placement work.

I know this represents change, but this is not rocket science. It is a common sense notion; we pay teachers to teach children, a part of their evaluation ought to be how much the children they teach learn.

In particular, when making one important and far-reaching decision – the granting of tenure after three years – we are forbidden by our own laws from using value-added data at all. That needs to change and the legislation before you will do that.

While we once thought that we could promise in our Race to the Top application to change this in the future, we learned in November that the only things that will count are those that are established in the law on the date of application: January 19th. Right now we're not competitive. Your job this week is to fix that.

The legislation we initially drew up, and which I believe is the best approach, is to place the decisions about how to use and how much weight to give to student achievement data with the State Board of Education. But I also recognize that this issue causes some anxiety among many teachers, and a great deal of anxiety with their union: the Tennessee Education Association (TEA). I know this is difficult for them; they have spent decades on the other side of these issues of accountability and teacher evaluation, and now I'm asking them to change.

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Here's what's at stake: the evaluation of the Race to the Top application is strongly oriented not to just what is proposed, but to the believability that those proposals will actually be able to be implemented. We're told there's a real premium on practicality. If you fail to act on these accountability reforms, we'll likely be pushed to the side. However, with the changes in the law that I'm asking you to make by the 19th, we'll have a bold, innovative, strong proposal. If, if, however, we could present a proposal that is all those things, and has the General Assembly, the Governor, the TEA and the State Board of Education visibly and genuinely working side by side toward common goals, we won't have a strong one, we'll have a dazzling one.

As of today, every school system in Tennessee has signed on as a partner in our Race to the Top application, knowing full well the bold actions that are required. Plenty of teachers are on board: Advocacy groups like Stand For Children are mobilizing in support of what we need to do here in Tennessee. Reform-minded policy organizations like SCORE, headed by my friend Senator Bill Frist, are bringing new ideas to the table in areas like how to best support professional development and career opportunities for our teachers. The statewide business community rightly sees this as an economic imperative. The need for reform, for accountability in education, is one of those fortunate areas that has not succumbed to purely partisan politics; this is a truly bipartisan effort, both here in Tennessee and nationally.

To my very good friends at TEA and to all the wonderful teachers who are members of their local chapters across our state: we share a common goal – to ensure that every child in Tennessee receives a year's worth of growth from a year's worth of instruction. Teachers matter: you bring something to this effort that no one else can. I invite you to join us.

I want to move on now to higher education.

I spoke earlier tonight about the vital need to grow the number of college graduates in Tennessee in the years ahead. Last spring, I convened a group of legislators, members of the administration, and representatives of the boards of our higher education organizations and others to meet, with me, on a regular basis to come up with the best strategies we could to begin seriously addressing this issue.

While we couldn't include everyone from the General Assembly who had an interest in the subject, we had a solid, bi-partisan group that the Speakers thought represented the body well. We met a number of times around the lunch table. In the early meetings we talked about approaches; in later ones, we sometimes brought in experts from around the country to advise us.

Let me take a moment to thank all those from the General Assembly who participated:

From the Senate: Jamie Woodson, Andy Berke, Jim Kyle, Dolores Gresham and Randy McNally.

From the House: Lois DeBerry, Harry Brooks, Craig Fitzhugh, Beth Harwell, David Hawk, Mark Maddox and Les Winningham.

In addition, one of our Constitutional Officers, Comptroller Justin Wilson, was a member and contributed a great deal to the discussion.

I wasn't sure at the outset exactly what to expect: sometimes these groups work, and sometimes they get mired down. I needn't have worried; they did a gold standard job.

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Early on, we began focusing on college completion rates as the key. I think about it like this: if I had a retail store that was not doing well, it would be a sensible strategy to first find those people who came in the front door and left without buying anything, and find out why, before I started trying to find new customers.

Again, let's step back and look at our education pipeline. Of those 100 ninth graders I mentioned earlier, just 43 go to college. And just 19 end up with some sort of degree. The graduation rate at our four-year colleges averages 44 percent and in our community colleges 12 percent.

The challenge is clear: We need more students pursuing postsecondary education. And of those who do go to college, we need more of them to be successful.

There are a lot of bright spots we can learn from. For example, Kingsport's "Educate and Grow" program focuses on bridging high school and college with early college programs, and creating opportunities for free community college for those kids who can prove they're college-ready. Kingsport is now building on those early successes with infrastructure, like its new Academic Village, to provide a venue for initiatives that move beyond high school and looking into college. Not coincidentally, Kingsport was recognized last fall by Harvard's Kennedy School for its efforts in education excellence and innovation. All over our state, great things are happening.

NOW let's push harder.

When I began talking with key lawmakers last year about higher education, most people assumed that talks would center on governance and organizational charts; that absent wholesale structural change, then somehow we weren't really "doing anything." But the more time we spent looking under the hood of higher education, the clearer it became that the real opportunities lay not in the "org chart" but rather in driving college completion.

I have introduced legislation in this special session to implement the recommendations that our working group eventually settled on. This legislation is somewhat different than the K-12 legislation we have discussed already, in that many of these things could technically be done by the Higher Education Commission, the University of Tennessee Board of Trustees or the Board of Regents themselves. But something this important needs the involvement and the imprimatur of the General Assembly. Neither the legislature nor the governor should micro-manage this; we have set up our higher education system with considerable authority for very good reason, but as the direct representatives of the people of the state, we need to establish the direction.

First of all, there was early and broad consensus on the need to retool our funding formula to make it substantially based on performance – especially higher associate and bachelor's degree rates. We need to get the financial incentives – how the funding for an institution gets determined – lined up with the outcomes we want.

Right now, we have a formula that is based almost exclusively on the numbers of students enrolled. The number of warm bodies in a seat in the fall is what drives the dollars. But that's not what we actually want: we want students still there in the spring, and especially, more than anything else, we want students who leave the institution with the degree that they came for in the first place.

The legislation before you authorizes the Tennessee Higher Education Commission to design a new formula that takes into account success factors like degree completion in determining state funding for colleges and universities. This is not one size fits all: the University of Tennessee at

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Knoxville and the University of Memphis and Middle Tennessee State all have different student bodies and have different missions, different roles to play. We shouldn't compare them with one another, but we can look at their peer institutions with similar missions around the nation, demand that they measure up, and enforce that demand by giving resources to those that do and taking them away from those who consistently fail to do so.

Funding and incentives are critical. But there was almost universal agreement among us that the centerpiece of Tennessee's strategy has got to be our community colleges. We have a broad and diverse group of these in our state, accessible to a great number of our citizens. They're affordable, both for the student and the state itself. More and more, around the country, community colleges are the entry point for four-year degrees. I have a great many younger relatives whose very successful college experience has been two years in a community college, an associate's degree, and then a transfer to a four-year institution to get a bachelor's degree.

To do this, we need to make them operate as a much more tightly organized system, and one which is more responsive to the needs of students. The legislation you have does these things: It directs the establishment of a comprehensive and unified community college system to drive the changes we want. To help ensure the success of this, I will separately ask the Board of Regents to establish a President or Vice-chancellor to oversee this unified community college system.

It directs the system to make regular its course offerings: Chemistry 101 or American History 101 should mean the same thing in any community college in which a student takes it.

It directs the system to clearly identify for the student those courses for which credit at one of our four-year institutions will be guaranteed. This is just simple truth-in-advertising: If a student pays for a course and does the work to pass it, he or she should know at the outset whether that course will be accepted at one of our four-year schools.

There is a vital need to sweep away the complex, confusing, and ultimately dysfunctional and unfair system of ad hoc arrangements the student faces today. The four-year school faculties can and should have a say in the content of the community college courses, but once that is established, the student is guaranteed credit for them.

It directs the establishment of policies to guarantee that any student who has satisfactorily completed a two-year degree at a community college is guaranteed admission to a four-year state school, as a Junior. We have one more task for our community colleges. We spend a tremendous amount of time and money in our four-year schools teaching remedial and developmental classes. We need to get out of that business in our four-year schools and ask the community colleges to help. If you meet the admissions standards of one of our four-year schools, that is great and we welcome you. If you don't, and require remedial work, we ask that you get that at the community college level.

If a freshman at a four-year college requires this kind of attention, then the odds are that he's not ready for a four-year environment. Instead, he may want to get caught up in a community college environment or take advantage of new dual enrollment options to do that work.

There is one further thing that the legislation sets up with regard to community colleges that I think is really interesting.

I've described to you the difficulties with completion rates in our colleges; 44 percent in the four-year ones and 12 percent in the community colleges. However, we do have an educational institution here in Tennessee that is not only not falling behind but is actually doing almost stunningly

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well – our technology centers. I do understand that completing a certificate program is not the same as getting a bachelor's degree, but do you know what their completion rate is: 70 percent.

Many states do not have directly comparable institutions, so it is difficult to make direct comparisons, but it is safe to say that when experts saw those numbers, their jaws dropped.

We can learn from this. When you dig down to uncover why this is happening – what's different – it is the clarity and directness of their approach. They don't tell the student, "Here is a course catalog, some are on this day, some are on that. Some are in the morning, some in the afternoon, some in the evening. Some are in the fall, some in the spring. Your job is to get the credits you need."

Instead, their proposition appeals directly: "If you will give us five days a week between 8:30 in the morning and 1:30 in the afternoon, we will make sure that you can take the courses you need and that when you have finished successfully you will get the certificate that you came here for."

Kids who are looking at community college want to get it done. They don't want to assemble a set of courses at widely separated times and then have to commute back and forth or kill time on a campus with few amenities. If they're ready to start in the middle of the spring, they don't want to wait until the fall.

The final part of the legislation you have for community colleges directs the Board of Regents to begin the process of consolidating and rationalizing course offerings so that they can make a similar clear offer. "If you give us these time slots for this long, and you pass your courses, you will get your associate's degree." It should be easy and understandable for the students, not the faculty, and I believe will help us grow our completion rates substantially.

There are other changes proposed. But these are big ones.

In putting together these strategies, we have worked closely with experts from groups like the National Center for Higher Education Management Systems and also Complete College America, a new organization funded by the Bill and Melinda Gates Foundation, the Ford Foundation, Carnegie and others.

What we hear from them is similar to what we hear from others who are handicapping Race to the Top. They all agree that Tennessee can be a national leader if we knuckle down and make some common sense changes. If we seize the moment.

Next, I would like to propose what I believe will be a historic leap forward in one particular area – the use of graduate-level higher education to accelerate economic development and research here in Tennessee – and help drive the culture of innovation in America.

Earlier, I mentioned Oak Ridge National Laboratory, the University of Tennessee and Battelle. Going all the way back to the '50s, UT and Oak Ridge have been building a relationship that has gotten closer over time – most notably, a decade ago, when UT and Battelle created a joint venture to co-manage the Lab. That has been a ground-breaking partnership in so many ways. But we've not yet fully realized its potential.

Today, I am proposing that we take a bold step forward toward realizing that full potential. In the legislation that is before you, I am proposing that we establish a new world-class graduate energy sciences and engineering program at UT and Oak Ridge National Lab. I'm calling it the UT Energy Campus at Oak Ridge.

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The basic idea is this: an arrangement with Oak Ridge to make it more of an extension of the UT-Knoxville campus – a place with dramatically heightened levels of teaching and learning occurring in America's premier national lab. At its core, what this means is over the next few years granting as many as 200 faculty appointments among the existing researchers at Oak Ridge National Lab.

This will open the doors to the Lab to as many as 400 new graduate students, whom we'll recruit from across the state, across the country and around the world. In talking with the leadership of UT and the Lab, it appears realistic, over the next several years, to double the UT-Knoxville research fund from about \$200 million to \$400 million.

This is the way we become a top-25 public research institution.

This model already works out West, in the partnership between the University of California-Berkeley and Lawrence Berkeley National Lab. Last week, I communicated with the Department of Energy about this concept. As the owner of Oak Ridge National Lab, they are enthusiastic about it. Secretary Chu understands this concept. His previous job was the director of Lawrence Berkeley National Lab. This will require some limited "venture capital" to get underway, and I have proposed \$6 million of one-time money until it reaches the point of attracting research funds to be self-sustaining.

Together, we've gotten a lot of things done for the children and young adults of our state. I've never heard anyone run for public office without being "for" education. The test comes when we're faced with real choices: does it have priority in funding, are we willing to make tough political calls when the opportunities or problems demand?

So far, together, I would claim that we have passed this test. We now have a chance to prove that commitment once again. In this extraordinary session of the 106th General Assembly, I ask you – not to "Race to the Top" – but to make Tennessee "First to the Top" in education reform ... to put in place common-sense strategies for driving college completion ... and help Tennessee excel and support America's education and research mission in an extraordinary way.

In my private office downstairs, I have a saying that has been framed in a little gold frame on my side table ever since I moved in. "Carpe Diem"–"Seize the Day." Many of you have seen it. It's always good advice, whether you're twenty or eighty, in good times or tough ones. Here, this evening, in January of 2010, we have an extraordinary opportunity to seize the day. Let's take it. Carpe Diem: For Tennessee, for our future.

DISSOLUTION OF JOINT CONVENTION

Mr. President Ramsey declared the purpose for which the Joint Convention was assembled having been accomplished, the Joint Convention stood dissolved.

ENGROSSED BILLS

January 12, 2010

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 1, and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

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MESSAGE FROM THE HOUSE

January 12, 2010

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 1, concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

ADJOURNMENT

Pursuant to Senator Norris's motion, the Senate adjourned until 8:30 a.m., Wednesday, January 13, 2010.